

## STATE OF MINNESOTA

## EIGHTY-FIFTH SESSION — 2007

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 FORTY-NINTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 17, 2007

The House of Representatives convened at 12:00 noon and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by Father Seamus Walsh, Brainerd Area Catholic Churches, Brainerd, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dill	Hilstrom	Lieder	Ozment	Solberg
Anderson, B.	Dittrich	Hilty	Lillie	Paulsen	Sviggum
Anderson, S.	Dominguez	Holberg	Loeffler	Paymar	Swails
Anzelc	Doty	Hoppe	Madore	Pelowski	Thao
Atkins	Eastlund	Hornstein	Magnus	Peppin	Thissen
Beard	Eken	Hortman	Mahoney	Peterson, A.	Tillberry
Benson	Emmer	Hosch	Mariani	Peterson, N.	Tingelstad
Berns	Erhardt	Howes	Marquart	Peterson, S.	Tschumper
Bigham	Erickson	Huntley	Masin	Poppe	Urdahl
Bly	Faust	Jaros	McFarlane	Rukavina	Wagenius
Brod	Finstad	Johnson	McNamara	Ruth	Walker
Brown	Fritz	Juhnke	Moe	Ruud	Ward
Brynaert	Gardner	Kahn	Morgan	Sailer	Wardlow
Buesgens	Garofalo	Kalin	Morrow	Scalze	Welti
Bunn	Gottwalt	Knuth	Mullery	Seifert	Westrom
Carlson	Greiling	Koenen	Murphy, E.	Sertich	Winkler
Clark	Gunther	Kohls	Murphy, M.	Severson	Wollschlager
Cornish	Hackbarth	Kranz	Nelson	Shimanski	Zellers
Davnie	Hamilton	Laine	Nornes	Simon	Spk. Kelliher
Dean	Hansen	Lanning	Norton	Simpson	
DeLaForest	Hausman	Lenczewski	Olin	Slawik	
Demmer	Haws	Lesch	Olson	Slocum	
Dettmer	Heidgerken	Liebling	Otremba	Smith	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Dill moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

S. F. No. 69 and H. F. No. 512, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Atkins moved that the rules be so far suspended that S. F. No. 69 be substituted for H. F. No. 512 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 420 and H. F. No. 1016, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Hansen moved that the rules be so far suspended that S. F. No. 420 be substituted for H. F. No. 1016 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1017 and H. F. No. 1105, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Laine moved that the rules be so far suspended that S. F. No. 1017 be substituted for H. F. No. 1105 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1098 and H. F. No. 1193, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sailer moved that S. F. No. 1098 be substituted for H. F. No. 1193 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1363 and H. F. No. 1679, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Johnson moved that S. F. No. 1363 be substituted for H. F. No. 1679 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1396 and H. F. No. 1629, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Hilstrom moved that the rules be so far suspended that S. F. No. 1396 be substituted for H. F. No. 1629 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1787 and H. F. No. 1865, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Poppe moved that S. F. No. 1787 be substituted for H. F. No. 1865 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 6, A bill for an act relating to education; providing for early childhood, family, adult, and prekindergarten through grade 12 education including general education, education excellence, special programs, facilities and technology, nutrition and accounting, libraries, state agencies, forecast adjustments, technical and conforming amendments, pupil transportation standards, and early childhood and adult programs; providing for task force and advisory groups; requiring school districts to give employees who are veterans the option to take personal leave on Veteran's Day and encouraging private employers to give employees who are veterans a day off with pay on Veteran's Day; requiring reports; authorizing rulemaking; funding parenting time centers; funding lead hazard reduction; appropriating money; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 16A.152, subdivision 2; 119A.50, by adding a subdivision; 119A.52; 119A.535; 120A.22, subdivision 7; 120B.021, subdivision 1; 120B.023, subdivision 2; 120B.024; 120B.11, subdivision 5; 120B.132; 120B.15; 120B.30; 120B.31, subdivision 3; 120B.36, subdivision 1; 121A.22, subdivisions 1, 3, 4; 122A.16; 122A.18, by adding a subdivision; 122A.20, subdivision 1; 122A.414, subdivisions 1, 2; 122A.415, subdivision 1; 122A.60, subdivision 3; 122A.61, subdivision 1; 122A.628, subdivision 2; 122A.72, subdivision 5; 123A.73, subdivision 8; 123B.02, by adding a subdivision; 123B.03, subdivision 3, by adding a subdivision; 123B.10, subdivision 1, by adding a subdivision; 123B.143, subdivision 1; 123B.37, subdivision 1; 123B.53, subdivisions 1, 4, 5; 123B.54; 123B.57, subdivision 3; 123B.63, subdivision 3; 123B.77, subdivision 4; 123B.79, subdivisions 6, 8, by adding a subdivision; 123B.81, subdivisions 2, 4, 7; 123B.83, subdivision 2; 123B.88, subdivision 12; 123B.90, subdivision 2; 123B.92, subdivisions 1, 3, 5; 124D.095, subdivisions 2, 3, 4, 7; 124D.10, subdivisions 4, 23a, 24; 124D.11, subdivision 1; 124D.111, subdivision 1; 124D.128, subdivisions 1, 2, 3; 124D.13, subdivisions 1, 2, 11, by adding a subdivision; 124D.135, subdivisions 1, 3, 5; 124D.16, subdivision 2; 124D.175; 124D.34, subdivision 7; 124D.4531; 124D.454, subdivisions 2, 3; 124D.531, subdivisions 1, 4; 124D.55; 124D.56, subdivisions 1, 2, 3; 124D.59, subdivision 2; 124D.65, subdivisions 5, 11; 124D.84, subdivision 1; 125A.11, subdivision 1; 125A.13; 125A.14; 125A.39; 125A.42; 125A.44; 125A.45; 125A.63, by adding a subdivision; 125A.75, subdivisions 1, 4; 125A.76, subdivisions 1, 2, 4, 5, by adding a subdivision; 125A.79, subdivisions 1, 5, 6, 8; 125B.15; 126C.01, subdivision 9, by adding subdivisions; 126C.05, subdivisions 1, 8, 15; 126C.10, subdivisions 1, 2, 2a, 2b, 4, 13a, 18, 24, 34, by adding a subdivision; 126C.126; 126C.13, subdivision 4; 126C.15, subdivision 2; 126C.17, subdivisions 6, 9; 126C.21, subdivisions 3, 5; 126C.41, by adding a subdivision; 126C.44; 126C.48, subdivisions 2, 7; 127A.441; 127A.47, subdivisions 7, 8; 127A.48, by adding a subdivision; 127A.49, subdivisions 2, 3; 128D.11, subdivision 3; 134.31, by adding a subdivision; 134.34, subdivision 4; 134.355, subdivision 9; 169.01, subdivision 6, by adding a subdivision; 169.443, by adding a subdivision; 169.447, subdivision 2; 169.4501, subdivisions 1, 2; 169.4502, subdivision 5; 169.4503, subdivisions 13, 20; 171.02, subdivisions 2, 2a; 171.321, subdivision 4; 205A.03, subdivision 1; 205A.06, subdivision 1a; 272.029, by adding a subdivision; 273.11, subdivision 1a; 273.1393; 275.065, subdivisions 1, 1a, 3; 275.07, subdivision 2; 275.08, subdivision 1b; 276.04, subdivision 2; 517.08, subdivision 1c; Laws 2005, First Special Session chapter 5, article 1, sections 50, subdivision 2; 54, subdivisions 2, as amended, 4, 5, as amended, 6, as amended, 7, as amended, 8, as amended; article 2, sections 81, as amended; 84, subdivisions 2, as amended, 3, as amended, 4, as amended, 6, as amended, 10, as amended; article 3, section 18, subdivisions 2, as amended, 3, as amended, 4, as amended, 6, as amended; article 4, section 25, subdivisions 2, as amended, 3, as amended; article 5, section 17, subdivision 3, as amended; article 7, section 20, subdivisions 2, as amended, 3, as amended, 4, as amended; article 8, section 8, subdivisions 2, as amended, 5, as amended; article 9, section 4, subdivision 2; Laws

2006, chapter 263, article 3, section 15; Laws 2006, chapter 282, article 2, section 28, subdivision 4; article 3, section 4, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 119A; 121A; 122A; 123B; 124D; 135A; repealing Minnesota Statutes 2006, sections 121A.23; 123A.22, subdivision 11; 123B.81, subdivision 8; 124D.06; 124D.081, subdivisions 1, 2, 3, 4, 5, 6, 9; 124D.454, subdivisions 4, 5, 6, 7; 124D.531, subdivision 5; 124D.62; 125A.10; 125A.75, subdivision 6; 125A.76, subdivision 3; 169.4502, subdivision 15; 169.4503, subdivisions 17, 18, 26.

Reported the same back with the following amendments:

Page 85, line 29, delete "58" and insert "60"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 931, A bill for an act relating to mortgages; prohibiting certain predatory lending practices; prescribing criminal penalties; providing remedies; amending Minnesota Statutes 2006, sections 58.02, by adding subdivisions; 58.13, subdivision 1; 58.137, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 58; 82B.

Reported the same back with the following amendments:

Page 1, delete sections 1 to 2

Page 2, line 1, delete everything after the second "loan" and insert "means, in the case of an adjustable rate loan secured by a first lien on a dwelling that can increase in interest rate but not decrease in interest rate below the fully indexed rate at the time of origination, a loan for which the annual percentage rate (APR) is greater than two percentage points above the yield on United States Treasury securities having comparable periods of maturity, as of the 15th day of the preceding month if the rate is set between the first and the 14th day of the month and as of the 15th day of the current month if the rate is set on or after the 15th day."

Page 2, delete lines 2 and 3 and insert:

"For all other loans secured by a first lien on a dwelling, the term means a loan for which the APR is greater than three percentage points above the yield on United States Treasury securities having comparable periods of maturity, as of the 15th day of the preceding month if the rate is set between the first and the 14th day of the month and as of the 15th day of the current month if the rate is set on or after the 15th day.

For loans secured by a subordinate lien on a dwelling, the term means a loan for which the APR is greater than five percentage points above the yield on United States Treasury securities having comparable periods of maturity, as of the 15th day of the preceding month if the rate is set between the first and the 14th day of the month and as of the 15th day of the current month if the rate is set on or after the 15th day.

For purposes of this section, the annual percentage rate has the meaning given in Code of Federal Regulations, title 12, part 226."

Page 4, line 20, delete everything after "from" and insert "an authorized independent loan counselor"

Page 4, delete line 21

Page 4, line 22, delete everything before "that"

Page 4, line 23, delete everything after the period

Page 4, line 24, delete everything before "For"

Page 4, line 31, after the period, insert "For purposes of this section, "authorized independent loan counselor" means a nonprofit, third-party individual or organization providing homebuyer education programs, foreclosure prevention services, mortgage loan counseling or credit counseling certified by the United States Department of Housing and Urban Development, the Minnesota Home Ownership Center, the Minnesota Mortgage Foreclosure Prevention Association, AARP, or NeighborWorks America."

Page 7, delete section 7 and insert:

"Sec. 5. **[58.19] RESIDENTIAL MORTGAGE FRAUD.**

Subdivision 1. **Residential mortgage fraud prohibited.** Whoever does any of the following commits residential mortgage fraud and may be sentenced as provided in subdivision 2:

(1) knowingly makes or causes to be made any deliberate and material misstatement, misrepresentation, or omission during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process;

(2) knowingly uses or facilitates the use of any deliberate and material misstatement, misrepresentation, or omission, knowing the same to contain a material misstatement, misrepresentation, or omission, during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process;

(3) knowingly facilitates, makes, or causes to be made a residential mortgage loan with the knowledge that, at the time the loan is originated, the borrower lacks the capacity to repay principal, interest, insurance, and property taxes; or

(4) conspires to violate any of the provisions of clause (1), (2), or (3).

An offense of residential mortgage fraud must not be predicated solely upon information lawfully disclosed under federal disclosure laws, regulations, and interpretations related to the mortgage lending process.

Subd. 2. **Sentence.** Whoever violates this section shall be sentenced as provided in section 609.52, subdivision 3, based on the greater of (1) the value of the property, services, or other benefit wrongfully obtained or attempted to obtain; or (2) the aggregate economic loss suffered by any person as a result of the violation. Provided, the maximum term of imprisonment shall not exceed two years. Prosecution or conviction for violation of this section shall not bar prosecution or conviction for any other offense.

Subd. 3. **Additional penalty for crime against a disabled or elderly person.** Any person who commits residential mortgage fraud against a senior citizen or disabled person may be fined an additional \$50,000 or imprisoned for up to two additional years, or both. For purposes of this subdivision, "senior citizen" and "disabled person" have the meanings given those terms in section 609.2336, subdivision 1.

Subd. 4. **Definitions.** For purposes of this section:

(1) "mortgage lending process" means the process through which a person seeks or obtains a residential mortgage loan including, but not limited to, solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. Documents involved in the mortgage lending process include, but are not limited to, uniform residential loan applications or other loan applications; appraisal reports; HUD-1 settlement statements; supporting personal documentation for loan applications such as W-2 forms, verifications of income and employment, bank statements, tax returns, and payroll subs; and any required disclosures; and

(2) "residential mortgage loan" has the meaning set forth in section 58.02, subdivision 18."

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 1901, A bill for an act relating to veterans; appropriating money for activities related to dedication of the World War II veterans memorial.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **APPROPRIATION.**

\$250,000 in fiscal year 2008 is appropriated from the general fund to the commissioner of veterans affairs for grants to assist World War II veterans in attending the dedication of the Minnesota World War II Memorial in St. Paul on June 9, 2007, and for other expenses of the dedication event. The commissioner may spend only that portion of this sum for which a matching amount, whether in cash or in kind, is donated by nongovernmental sources for this purpose. This appropriation is available immediately. If an appropriation for this purpose is enacted more than once, the appropriation is effective only once.

**EFFECTIVE DATE.** This section is effective the day following final enactment."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

S. F. No. 238, A bill for an act relating to health; establishing public policy to protect employees and the general public from the hazards of secondhand smoke; requiring persons to refrain from smoking in certain areas; amending Minnesota Statutes 2006, sections 144.412; 144.413, subdivisions 2, 4, by adding subdivisions; 144.414; 144.416; 144.417; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2006, section 144.415.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 116L.17, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given them in this subdivision.

(b) "Commissioner" means the commissioner of employment and economic development.

(c) "Dislocated worker" means an individual who is a resident of Minnesota at the time employment ceased or was working in the state at the time employment ceased and:

(1) has been permanently separated or has received a notice of permanent separation from public or private sector employment and is eligible for or has exhausted entitlement to unemployment benefits, and is unlikely to return to the previous industry or occupation;

(2) has been long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which the individual resides, including older individuals who may have substantial barriers to employment by reason of age;

(3) has been self-employed, including farmers and ranchers, and is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or

(4) has been permanently separated from employment in a restaurant or a bar due to the implementation of any state law prohibiting smoking; or

(5) is a displaced homemaker. A "displaced homemaker" is an individual who has spent a substantial number of years in the home providing homemaking service and (i) has been dependent upon the financial support of another; and now due to divorce, separation, death, or disability of that person, must find employment to self support; or (ii) derived the substantial share of support from public assistance on account of dependents in the home and no longer receives such support.

To be eligible under this clause, the support must have ceased while the worker resided in Minnesota.

(d) "Eligible organization" means a state or local government unit, nonprofit organization, community action agency, business organization or association, or labor organization.

(e) "Plant closing" means the announced or actual permanent shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment.

(f) "Substantial layoff" means a permanent reduction in the workforce, which is not a result of a plant closing, and which results in an employment loss at a single site of employment during any 30-day period for at least 50 employees excluding those employees that work less than 20 hours per week.

Sec. 2. Minnesota Statutes 2006, section 144.412, is amended to read:

#### **144.412 PUBLIC POLICY.**

The purpose of sections 144.411 to 144.417 is to protect ~~the public health, comfort and environment by prohibiting smoking in areas where children or ill or injured persons are present, and~~ employees and the general public from the known hazards of secondhand smoke by limiting eliminating smoking in public places, places of employment, public transportation, and at public meetings to designated smoking areas.

Sec. 3. Minnesota Statutes 2006, section 144.413, is amended by adding a subdivision to read:

Subd. 1a. **Indoor area.** "Indoor area" means all space between a floor and a ceiling that is bounded on two or more sides by walls, whether temporary or permanent, or by doorways and windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier that substantially encloses a side.

Sec. 4. Minnesota Statutes 2006, section 144.413, is amended by adding a subdivision to read:

Subd. 1b. **Place of employment.** "Place of employment" means any indoor area at which two or more individuals perform any type of a service for consideration of payment under any type of contractual relationship, including, but not limited to, an employment relationship with or for a private corporation, partnership, individual, or government agency. Place of employment includes any indoor area where two or more individuals gratuitously perform services for which individuals are ordinarily paid. A place of employment includes, but is not limited to, public conveyances, factories, warehouses, offices, retail stores, restaurants, bars, banquet facilities, theaters, food stores, banks, financial institutions, employee cafeterias, lounges, auditoriums, gymnasiums, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, and rooms or areas containing photocopying equipment or other office equipment used in common. Vehicles used in whole or in part for work purposes are places of employment during hours of operation if more than one person is present. An area in which work is performed in a private residence is a place of employment during hours of operation if:

(1) the homeowner uses the area exclusively and regularly as a principal place of business and has one or more on-site employees; or

(2) the homeowner uses the area exclusively and regularly as a place to meet or deal with patients, clients, or customers in the normal course of the homeowner's trade or business.

Sec. 5. Minnesota Statutes 2006, section 144.413, subdivision 2, is amended to read:

Subd. 2. **Public place.** "Public place" means any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail stores; offices and other commercial establishments; public conveyances; educational facilities other than public schools, as defined in section 120A.05, subdivisions 9, 11, and 13; hospitals; nursing homes; auditoriums; arenas; meeting rooms; and common areas of rental apartment buildings, but excluding private, enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers.

Sec. 6. Minnesota Statutes 2006, section 144.413, subdivision 4, is amended to read:

Subd. 4. **Smoking.** "Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment tobacco or plant product intended for inhalation.

Sec. 7. Minnesota Statutes 2006, section 144.413, is amended by adding a subdivision to read:

Subd. 5. **Public transportation.** "Public transportation" means public means of transportation, including light and commuter rail transit; buses; enclosed bus and transit stops; taxis, vans, limousines, and other for-hire vehicles other than those being operated by the lessee; and ticketing, boarding, and waiting areas in public transportation terminals.

Sec. 8. Minnesota Statutes 2006, section 144.414, is amended to read:

#### **144.414 PROHIBITIONS.**

Subdivision 1. **Public places, places of employment, public transportation, and public meetings.** (a) Smoking shall not be permitted in and no person shall smoke in a public place or at a public meeting except in designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. Furthermore, this prohibition shall not apply to places of work not usually frequented by the general public, except that the state commissioner of health shall establish rules to restrict or prohibit smoking in factories, warehouses, and those places of work where the close proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health and comfort of nonsmoking employees, in a place of employment, or in public transportation, except as provided in this section or section 144.4167.

(b) Sections 144.414 to 141.417 become effective for bars, bingo halls, and restaurants on January 1, 2009.

Subd. 2. **Day care premises.** Smoking is prohibited in a day care center licensed under Minnesota Rules, parts 9503.0005 to 9503.0175, or in a family home or in a group family day care provider home licensed under Minnesota Rules, parts 9502.0300 to 9502.0445, during its hours of operation. The proprietor of a family home or group family day care provider must disclose to parents or guardians of children cared for on the premises if the proprietor permits smoking outside of its hours of operation. Disclosure must include posting on the premises a conspicuous written notice and orally informing parents or guardians.

Subd. 3. **Health care facilities and clinics.** (a) Smoking is prohibited in any area of a hospital, health care clinic, doctor's office, licensed residential facility for children, or other health care-related facility, other than except that a patient or resident in a nursing home, boarding care facility, or licensed residential facility, except as allowed in this subdivision for adults may smoke in a designated separate, enclosed room maintained in accordance with applicable state and federal laws.

(b) Smoking by participants in peer reviewed scientific studies related to the health effects of smoking may be allowed in a separated room ventilated at a rate of 60 cubic feet per minute per person pursuant to a policy that is approved by the commissioner and is established by the administrator of the program to minimize exposure of nonsmokers to smoke.

Subd. 4. **Public transportation vehicles.** Smoking is prohibited in public transportation vehicles except that the driver of a public transportation vehicle may smoke when the vehicle is being used for personal use. For purposes of this subdivision, "personal use" means that the public transportation vehicle is being used by the driver for private purposes and no for-hire passengers are present. If a driver smokes under this subdivision, the driver must post a conspicuous sign inside the vehicle to inform passengers.

Sec. 9. Minnesota Statutes 2006, section 144.416, is amended to read:

**144.416 RESPONSIBILITIES OF PROPRIETORS.**

(a) The proprietor or other person in charge, firm, limited liability company, corporation, or other entity that owns, leases, manages, operates, or otherwise controls the use of a public place, public transportation, place of employment, or public meeting shall make reasonable efforts to prevent smoking in the public place, public transportation, place of employment, or public meeting by:

~~(a) (1) posting appropriate signs;~~

~~(b) arranging seating to provide a smoke-free area;~~

~~(c) asking smokers to refrain from smoking upon request of a client or employee suffering discomfort from the smoke; or~~

~~(d) or by any other means which may be appropriate; and~~

(2) asking any person who smokes in an area where smoking is prohibited to refrain from smoking and, if the person does not refrain from smoking after being asked to do so, asking the person to leave. If the person refuses to leave, the proprietor, person, or entity in charge shall handle the situation consistent with lawful methods for handling other persons acting in a disorderly manner or as a trespasser.

(b) The proprietor or other person or entity in charge of a public place, public meeting, public transportation, or place of employment must not provide smoking equipment, including ashtrays, in areas where smoking is prohibited. Nothing in this section prohibits the proprietor or other person or entity in charge from taking more stringent measures than those under sections 144.414 to 144.417 to protect individuals from secondhand smoke. The proprietor or other person or entity in charge of a restaurant or bar may not serve an individual who is in violation of sections 144.411 to 144.417.

Sec. 10. **[144.4167] PERMITTED SMOKING.**

Subdivision 1. **Scientific study participants.** Smoking by participants in peer reviewed scientific studies related to the health effects of smoking may be allowed in a separated room ventilated at a rate of 60 cubic feet per minute per person pursuant to a policy that is approved by the commissioner and is established by the administrator of the program to minimize exposure of nonsmokers to smoke.

Subd. 2. **Traditional Native American ceremonies.** Sections 144.414 to 144.417 do not prohibit smoking by a Native American as part of a traditional Native American spiritual or cultural ceremony. For purposes of this section, a Native American is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12.

Subd. 3. **Private places.** Except as provided in section 144.414, subdivision 2, nothing in sections 144.411 to 144.417 prohibits smoking in:

(1) private homes, private residences, or private automobiles when they are not in use as a place of employment, as defined in section 144.413, subdivision 1b; or

(2) a hotel or motel sleeping room rented to one or more guests.

Subd. 4. **Tobacco products shop.** Sections 144.414 to 144.417 do not prohibit the lighting of tobacco in a tobacco products shop by a customer or potential customer for the specific purpose of sampling tobacco products prior to purchase. For the purposes of this subdivision, a tobacco products shop is a retail business that earns at least 90 percent of its gross receipts from the sale of tobacco products and paraphernalia associated with tobacco use.

Subd. 5. **Approved bars.** (a) A city, town, or county, by majority vote of the governing body, may issue a license to a bar, upon request of the owner, to permit smoking in the bar or in a designated smoking section of the bar. The city, town, or county shall set the fee for a smoking license after providing notice and a hearing on the proposed fees. Sections 144.414 to 144.417 do not prohibit smoking in bars that have a smoking license.

(b) For purposes of this subdivision, a "bar" means an establishment that has an on-sale intoxicating liquor license, an on-sale nonintoxicating malt liquor license, an on-sale 3.2 percent malt liquor license, a wine license, or a strong beer liquor license; and

(1) the bar's sales of beer, nonintoxicating malt liquor, 3.2 percent malt liquor, wine, and intoxicating liquor are demonstrated for an existing licensee to be, or for an initial licensee projected to be, more than 50 percent of the total net sales of food and beverages, after taxes, that are served in the establishment. For the purposes of this section, "sales" are the sales reported to the Department of Revenue from the most recent calendar year; or

(2) the bar:

(i) is separated from the restaurant on all sides by continuous floor-to-ceiling walls, which are interrupted only by closable doors that are continuously closed, except when a person is actively entering or exiting the bar;

(ii) has ventilation systems that are totally separated from the restaurant, with the bar maintaining a negative air pressure in relation to the adjacent restaurant;

(iii) does not permit entrance or employment of minors or entrance of employees at any time notwithstanding section 340A.503, subdivision 4, paragraph (b); and

(iv) has a food or beverage license that is separate from the restaurant, issued by the appropriate licensing agency.

Subd. 6. **Heavy commercial vehicles.** Sections 144.414 to 144.417 do not prohibit smoking in motor vehicles registered under section 168.013, subdivision 1e, with a total gross weight of 26,001 pounds or greater.

Sec. 11. Minnesota Statutes 2006, section 144.417, is amended to read:

#### **144.417 COMMISSIONER OF HEALTH, ENFORCEMENT, PENALTIES.**

Subdivision 1. **Rules.** ~~(a)~~ The state commissioner of health shall adopt rules necessary and reasonable to implement the provisions of sections 144.411 to 144.417, ~~except as provided for in section 144.414.~~

~~(b) Rules implementing sections 144.411 to 144.417 adopted after January 1, 2002, may not take effect until approved by a law enacted after January 1, 2002. This paragraph does not apply to a rule or severable portion of a rule governing smoking in office buildings, factories, warehouses, or similar places of work, or in health care facilities. This paragraph does not apply to a rule changing the definition of "restaurant" to make it the same as the definition in section 157.15, subdivision 12.~~

Subd. 2. **Penalties Violations.** ~~Any person who violates section 144.414 or 144.4165 is guilty of a petty misdemeanor.~~ (a) Any proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which smoking is prohibited under sections 144.414 to 144.417, and that knowingly fails to comply with sections 144.414 to 144.417, is guilty of a petty misdemeanor.

(b) Any person who smokes in an area where smoking is prohibited or restricted under sections 144.414 to 144.417 is guilty of a petty misdemeanor.

(c) A proprietor, person, or entity in charge of a public place, public meeting, place of employment, or public transportation must not retaliate or take adverse action against an employee or anyone else who, in good faith, reports a violation of sections 144.414 to 144.417 to the proprietor or person in charge of the public place, public meeting, place of employment, or public transportation, or to the commissioner of health or other designee responsible for enforcing sections 144.414 to 144.417.

(d) No person or employer shall discharge, refuse to hire, penalize, discriminate against, or in any manner retaliate against any employee, applicant for employment, or customer because the employee, applicant, or customer exercises any right to a smoke-free environment provided by sections 144.414 to 144.417 or other law.

Subd. 3. **Injunction.** The state commissioner of health, a board of health as defined in section 145A.02, subdivision 2, or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of ~~section 144.416 or 144.4165~~ sections 144.414 to 144.417.

#### Sec. 12. **DISLOCATED WORKER PROGRAM; ALLOCATION OF FUNDS.**

The Jobs Skills Partnership Board must enable the dislocated worker program under Minnesota Statutes, section 116L.17, to provide services under that program to employees of bars, restaurants, and lawful gambling organizations who become unemployed due, in whole or in part, to the provisions of this act.

#### Sec. 13. **FREEDOM TO BREATHE ACT.**

This act shall be referred to as the "Freedom to Breathe Act of 2007."

Delete the title and insert:

"A bill for an act relating to health; establishing the Freedom to Breathe Act of 2007; establishing public policy to protect employees and the general public from the known hazards of secondhand smoke; requiring persons to refrain from smoking in certain areas; amending Minnesota Statutes 2006, sections 116L.17, subdivision 1; 144.412; 144.413, subdivisions 2, 4, by adding subdivisions; 144.414; 144.416; 144.417; proposing coding for new law in Minnesota Statutes, chapter 144."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

S. F. No. 585, A bill for an act relating to local government; removing restrictions on the sale or lease of certain property listed on the National Register of Historic Places; repealing Minnesota Statutes 2006, section 15.995.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

S. F. No. 1997, A bill for an act relating to government operations; appropriating money for the general legislative and administrative expenses of state government; raising fees; regulating state and local government operations; modifying provisions related to public employment; providing for automatic voter registration; abolishing the Department of Employee Relations; amending Minnesota Statutes 2006, sections 4.035, subdivision 3; 5.12, subdivision 1; 15.06, subdivisions 2, 8; 15B.17, subdivision 1; 16A.1286, subdivision 2; 16B.03; 16C.08, subdivision 2; 43A.02, by adding a subdivision; 43A.03, subdivision 3; 43A.08, subdivisions 1, 2a; 43A.24, subdivision 1; 43A.346, subdivision 1; 45.013; 84.01, subdivision 3; 116.03, subdivision 1; 116J.01, subdivision 5; 116J.035, subdivision 4; 174.02, subdivision 2; 201.12; 201.13, subdivision 3; 201.161; 241.01, subdivision 2; 270B.14, by adding a subdivision; 302A.821, subdivision 4; 321.0206; 336.1-110; 336.9-525; 471.61, subdivision 1a; 517.08, subdivisions 1b, 1c; Laws 2005, First Special Session chapter 1, article 4, section 121; proposing coding for new law in Minnesota Statutes, chapters 5; 13; 16B; 16C; repealing Minnesota Statutes 2006, sections 43A.03, subdivision 4; 43A.08, subdivision 1b; Laws 2006, chapter 253, section 22.

Reported the same back with the following amendments to the second unofficial engrossment:

Page 9, after line 3, insert:

"(d) \$885,000 the first year is for onetime funding of agency relocation expenses for the Department of Public Safety."

Page 78, after line 21, insert:

"Sec. 107. Laws 2006, chapter 282, article 14, section 5, is amended to read:

**Sec. 5. OFFICE OF ADMINISTRATIVE HEARINGS**

320,000

From the workers' compensation fund for costs associated with the relocation of offices to St. Paul. The commissioner of administration shall take all steps as necessary to complete the renovation of the Stassen Building for these purposes by January 1, 2008. Minnesota Statutes, section 16B.33, subdivision 3, does not apply if the estimated cost of construction exceeds \$2,000,000. This is a onetime appropriation. This appropriation is available until spent.

Beginning in fiscal year 2009 and for all fiscal years thereafter, the appropriation base for the workers' compensation fund for the Office of Administrative Hearings is reduced by \$297,000 to reflect savings in rent costs due to the relocation of offices to St. Paul."

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

### **SECOND READING OF HOUSE BILLS**

H. F. Nos. 6 and 931 were read for the second time.

### **SECOND READING OF SENATE BILLS**

S. F. Nos. 69, 420, 1017, 1098, 1363, 1396, 1787, 238, 585 and 1997 were read for the second time.

### **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House File was introduced:

Marquart introduced:

H. F. No. 2433, A bill for an act relating to capital investment; providing relief for public and private property damaged by the Browns Valley flooding of March 2007; authorizing flood mitigation projects in Browns Valley; appropriating money; amending Laws 2005, chapter 20, article 1, section 7, subdivision 2; Laws 2006, chapter 258, section 7, subdivision 3.

The bill was read for the first time and referred to the Committee on Finance.

### **FISCAL CALENDAR**

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 1048.

H. F. No. 1048, A bill for an act relating to state government; abolishing the Department of Employee Relations; transferring duties; providing certain protections for employees.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilstrom	Lieder	Ozment	Solberg
Anderson, B.	Dittrich	Hilty	Lillie	Paulsen	Sviggum
Anderson, S.	Dominguez	Holberg	Loeffler	Paymar	Swails
Anzels	Doty	Hoppe	Madore	Pelowski	Thao
Atkins	Eastlund	Hornstein	Magnus	Peppin	Thissen
Beard	Eken	Hortman	Mahoney	Peterson, A.	Tillberry
Benson	Emmer	Hosch	Mariani	Peterson, N.	Tingelstad
Berns	Erhardt	Howes	Marquart	Peterson, S.	Tschumper
Bigham	Erickson	Huntley	Masin	Poppe	Urdahl
Bly	Faust	Jaros	McFarlane	Rukavina	Wagenius
Brod	Finstad	Johnson	McNamara	Ruth	Walker
Brown	Fritz	Juhnke	Moe	Ruud	Ward
Brynaert	Gardner	Kahn	Morgan	Sailer	Wardlow
Buesgens	Garofalo	Kalin	Morrow	Scalze	Walti
Bunn	Gottwalt	Knuth	Mullery	Seifert	Westrom
Carlson	Greiling	Koenen	Murphy, E.	Sertich	Winkler
Clark	Gunther	Kohls	Murphy, M.	Severson	Wollschlager
Cornish	Hackbarth	Kranz	Nelson	Shimanski	Zellers
Davnie	Hamilton	Laine	Nornes	Simon	Spk. Kelliher
Dean	Hansen	Lanning	Norton	Simpson	
DeLaForest	Hausman	Lenczewski	Olin	Slawik	
Demmer	Haws	Lesch	Olson	Slocum	
Dettmer	Heidgerken	Liebling	Otremba	Smith	

The bill was passed and its title agreed to.

## FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 2227.

H. F. No. 2227 was reported to the House.

Faust moved to amend H. F. No. 2227, the second engrossment, as follows:

Page 42, delete section 40

Page 49, after line 14, insert:

"Sec. 57. Minnesota Statutes 2006, section 327.201, is amended to read:

### **327.201 STATE FAIR AND COUNTY FAIR CAMPING AREA AREAS.**

**Subdivision 1. State Fair camping areas.** Notwithstanding sections 327.14 to 327.28 or any rule adopted by the commissioner of health, the State Agricultural Society must operate and maintain a camping area on the State Fairgrounds during the State Fair and the Minnesota Street Rod Association's Back to the 50's event, subject to the following conditions:

(1) recreational camping vehicles and tents, including their attachments, must be separated from each other and from other structures by at least seven feet;

(2) a minimum area of 300 square feet per site must be provided and the total number of sites must not exceed one site for every 300 square feet of usable land area; and

(3) each site must face a driveway at least 16 feet in width and each driveway must have unobstructed access to a public roadway.

Subd. 2. **County fair camping areas.** Notwithstanding sections 327.14 to 327.28, or any rule adopted by the commissioner of health, any area maintained by a county agricultural society as a camping area during a county fair or any other event is subject to the conditions specified in subdivision 1, clauses (1) to (3)."

Renumber the sections in sequence and correct internal references

Correct the title numbers accordingly

The motion prevailed and the amendment was adopted.

Severson, Brod, Wardlow, Dettmer and Gottwalt moved to amend H. F. No. 2227, the second engrossment, as amended, as follows:

Page 4, delete lines 3 to 5

Page 7, line 7, delete "\$4,400,000" and insert "\$4,000,000"

Page 8, line 15, delete "\$200,000" and insert "\$150,000"

Page 18, line 11, delete "\$450,000 each year is" and insert "\$750,000 the first year and \$650,000 the second year are"

Adjust the totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Severson et al amendment and the roll was called. There were 52 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Gottwalt	Kranz	Ozment	Sviggum
Beard	Dettmer	Haws	Lanning	Paulsen	Swails
Benson	Dittrich	Heidgerken	Madore	Peppin	Tingelstad
Berns	Doty	Holberg	Masin	Peterson, N.	Urdahl
Brod	Eastlund	Hoppe	McFarlane	Ruth	Wardlow
Buesgens	Emmer	Hosch	McNamara	Seifert	Westrom
Bunn	Erhardt	Howes	Morrow	Severson	Zellers
Cornish	Erickson	Koenen	Nornes	Shimanski	
Dean	Garofalo	Kohls	Olson	Smith	

Those who voted in the negative were:

Abeler	Eken	Hortman	Loeffler	Paymar	Solberg
Anderson, S.	Faust	Huntley	Magnus	Pelowski	Thao
Anzelc	Finstad	Jaros	Mahoney	Peterson, A.	Thissen
Atkins	Fritz	Johnson	Mariani	Peterson, S.	Tillberry
Bigham	Gardner	Juhnke	Marquart	Poppe	Tschumper
Bly	Greiling	Kahn	Moe	Rukavina	Wagenius
Brown	Gunther	Kalin	Morgan	Ruud	Walker
Brynaert	Hackbarth	Knuth	Mullery	Sailer	Ward
Carlson	Hamilton	Laine	Murphy, E.	Scalze	Welti
Clark	Hansen	Lenczewski	Murphy, M.	Sertich	Winkler
Davnie	Hausman	Lesch	Nelson	Simon	Wollschlager
DeLaForest	Hilstrom	Liebling	Norton	Simpson	Spk. Kelliher
Dill	Hilty	Lieder	Olin	Slawik	
Dominguez	Hornstein	Lillie	Otremba	Slocum	

The motion did not prevail and the amendment was not adopted.

Buesgens moved to amend H. F. No. 2227, the second engrossment, as amended, as follows:

Pages 23, delete section 6

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 28 yeas and 106 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Erickson	Hoppe	Peppin	Wardlow
Anderson, S.	DeLaForest	Garofalo	Kohls	Seifert	Westrom
Berns	Dettmer	Gottwalt	Nornes	Severson	Zellers
Brod	Eastlund	Hackbarth	Olson	Smith	
Buesgens	Emmer	Holberg	Paulsen	Sviggum	

Those who voted in the negative were:

Abeler	Bunn	Doty	Hamilton	Hosch	Koenen
Anzelc	Carlson	Eken	Hansen	Howes	Kranz
Atkins	Clark	Erhardt	Hausman	Huntley	Laine
Beard	Cornish	Faust	Haws	Jaros	Lanning
Benson	Davnie	Finstad	Heidgerken	Johnson	Lenczewski
Bigham	Demmer	Fritz	Hilstrom	Juhnke	Lesch
Bly	Dill	Gardner	Hilty	Kahn	Liebling
Brown	Dittrich	Greiling	Hornstein	Kalin	Lieder
Brynaert	Dominguez	Gunther	Hortman	Knuth	Lillie

Loeffler	Moe	Otremba	Ruth	Slocum	Wagenius
Madore	Morgan	Ozment	Ruud	Solberg	Walker
Magnus	Morrow	Paymar	Sailer	Swails	Ward
Mahoney	Mullery	Pelowski	Scalze	Thao	Welti
Mariani	Murphy, E.	Peterson, A.	Sertich	Thissen	Winkler
Marquart	Murphy, M.	Peterson, N.	Shimanski	Tillberry	Wollschlager
Masin	Nelson	Peterson, S.	Simon	Tingelstad	Spk. Kelliher
McFarlane	Norton	Poppe	Simpson	Tschumper	
McNamara	Olin	Rukavina	Slawik	Urdahl	

The motion did not prevail and the amendment was not adopted.

Buesgens moved to amend H. F. No. 2227, the second engrossment, as amended, as follows:

Pages 36 and 37, delete section 32

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 25 yeas and 109 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Erickson	Hoppe	Seifert
Anderson, S.	DeLaForest	Garofalo	Kohls	Severson
Berns	Dettmer	Gottwalt	Olson	Sviggum
Brod	Eastlund	Hackbarth	Paulsen	Wardlow
Buesgens	Emmer	Holberg	Peppin	Zellers

Those who voted in the negative were:

Abeler	Dill	Haws	Koenen	Masin	Paymar
Anzenc	Dittrich	Heidgerken	Kranz	McFarlane	Pelowski
Atkins	Dominguez	Hilstrom	Laine	McNamara	Peterson, A.
Beard	Doty	Hilty	Lanning	Moe	Peterson, N.
Benson	Eken	Hornstein	Lenczewski	Morgan	Peterson, S.
Bigham	Erhardt	Hortman	Lesch	Morrow	Poppe
Bly	Faust	Hosch	Liebling	Mullery	Rukavina
Brown	Finstad	Howes	Lieder	Murphy, E.	Ruth
Brynaert	Fritz	Huntley	Lillie	Murphy, M.	Ruud
Bunn	Gardner	Jaros	Loeffler	Nelson	Sailer
Carlson	Greiling	Johnson	Madore	Nornes	Scalze
Clark	Gunther	Juhnke	Magnus	Norton	Sertich
Cornish	Hamilton	Kahn	Mahoney	Olin	Shimanski
Davnie	Hansen	Kalin	Mariani	Otremba	Simon
Demmer	Hausman	Knuth	Marquart	Ozment	Simpson

Slawik	Swails	Tingelstad	Walker	Winkler
Slocum	Thao	Tschumper	Ward	Wollschlager
Smith	Thissen	Urdahl	Welti	Spk. Kelliher
Solberg	Tillberry	Wagenius	Westrom	

The motion did not prevail and the amendment was not adopted.

Heidgerken, Sertich and Juhnke moved to amend H. F. No. 2227, the second engrossment, as amended, as follows:

Page 60, after line 21, insert:

"Sec. 4. **[192.503] AMATEUR ATHLETICS.**

(a) If a Minnesota resident who is a member of the Minnesota National Guard or any other reserve unit of the United States Armed Forces is a qualified member of a team governed by an amateur athletic association in this state upon being ordered into active military service, as defined in section 190.05, subdivision 5b or 5c, then that person is a qualified member of that team and association during periodic leave and upon release or discharge from that active military service, irrespective of the length of time that the person has served in that active military service, and the member must be given the same eligibility status and consideration for participation in both regular and post-season play by the team and association as if the member had been present and participating in play during the entire period of the person's military service.

(b) This section does not apply to public or private high schools or postsecondary educational institutions.

**EFFECTIVE DATE.** This section is effective the day following enactment and applies to any member of the National Guard or other military reserves who has been ordered into active military service at any time."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Heidgerken et al amendment and the roll was called. There were 133 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Brod	DeLaForest	Erhardt	Hackbarth	Hortman
Anderson, B.	Brown	Demmer	Erickson	Hamilton	Hosch
Anderson, S.	Brynaert	Dettmer	Faust	Hansen	Howes
Anzelc	Buesgens	Dill	Finstad	Hausman	Huntley
Atkins	Bunn	Dittrich	Fritz	Haws	Jaros
Beard	Carlson	Dominguez	Gardner	Heidgerken	Johnson
Benson	Clark	Doty	Garofalo	Hilstrom	Juhnke
Berns	Cornish	Eastlund	Gottwalt	Hilty	Kahn
Bigham	Davnie	Eken	Greiling	Holberg	Kalin
Bly	Dean	Emmer	Gunther	Hornstein	Knuth

Koenen	Mahoney	Nornes	Poppe	Slocum	Ward
Kohls	Mariani	Norton	Rukavina	Smith	Wardlow
Kranz	Marquart	Olin	Ruth	Solberg	Welti
Laine	Masin	Olson	Ruud	Sviggum	Westrom
Lanning	McFarlane	Otremba	Sailer	Swails	Winkler
Lenczewski	McNamara	Ozment	Scalze	Thao	Wollschlager
Lesch	Moe	Paulsen	Seifert	Thissen	Zellers
Liebling	Morgan	Paymar	Sertich	Tillberry	Spk. Kelliher
Lieder	Morrow	Pelowski	Severson	Tingelstad	
Lillie	Mullery	Peppin	Shimanski	Tschumper	
Loeffler	Murphy, E.	Peterson, A.	Simon	Urdahl	
Madore	Murphy, M.	Peterson, N.	Simpson	Wagenius	
Magnus	Nelson	Peterson, S.	Slawik	Walker	

Those who voted in the negative were:

Hoppe

The motion prevailed and the amendment was adopted.

Urdahl offered an amendment to H. F. No. 2227, the second engrossment, as amended.

#### POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Urdahl amendment was not in order. The Speaker ruled the point of order well taken and the Urdahl amendment out of order.

H. F. No. 2227, A bill for an act relating to appropriations; appropriating money for agriculture and veterans affairs; modifying disposition of certain revenue and funds; modifying certain grant and loan requirements; modifying use of Minnesota grown label; modifying and creating certain funds and accounts; eliminating the aquatic pest control license; modifying permit and safeguard requirements; modifying and establishing certain fees and surcharges; creating a food safety and defense task force; requiring certain studies and reports; providing for NextGen energy; changing certain provisions related to veterans and members of the national guard and reserves; amending Minnesota Statutes 2006, sections 3.737, subdivision 1; 3.7371, subdivision 3; 17.03, subdivision 3; 17.101, subdivision 2; 17.102, subdivisions 1, 3, 4, by adding subdivisions; 17.117, subdivisions 1, 4, 5a, 5b, 11; 17.983, subdivision 1; 17B.03, by adding a subdivision; 18B.065, subdivisions 1, 2a; 18B.26, subdivision 3; 18B.33, subdivision 1; 18B.34, subdivision 1; 18B.345; 18C.305, by adding a subdivision; 18E.02, subdivision 5, by adding a subdivision; 18E.03, subdivision 4; 25.341, subdivision 1; 28A.04, subdivision 1; 28A.06; 28A.082, subdivision 1; 32.21, subdivision 4; 32.212; 32.394, subdivision 4; 32.415; 41B.03, subdivision 1; 41B.043, subdivisions 2, 3, 4; 41B.046, subdivision 4; 41B.047; 41B.055; 41B.06; 41C.05, subdivision 2; 116.0714; 156.001, by adding subdivisions; 156.12, subdivision 1; 197.75; 198.002, subdivision 2; 198.004, subdivision 1; 239.7911, subdivision 1; 327.201; 343.10; proposing coding for new law in Minnesota Statutes, chapters 18C; 28A; 35; 41A; 192; 197; repealing Minnesota Statutes 2006, sections 17.109; 18B.315; 18C.425, subdivision 5; 32.213; 35.08; 35.09; 35.10; 35.11; 35.12; 41B.043, subdivision 1a; 156.075; Laws 2006, chapter 258, section 14, subdivision 6; Minnesota Rules, parts 1705.0840; 1705.0850; 1705.0860; 1705.0870; 1705.0880; 1705.0890; 1705.0900; 1705.0910; 1705.0920; 1705.0930; 1705.0940; 1705.0950; 1705.0960; 1705.0970; 1705.0980; 1705.0990; 1705.1000; 1705.1010; 1705.1020; 1705.1030; 1705.1040; 1705.1050; 1705.1060; 1705.1070; 1705.1080; 1705.1086; 1705.1087; 1705.1088.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Pursuant to rule 2.05, the Speaker excused Olson from voting on final passage of H. F. No. 2227, as amended.

There were 131 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilstrom	Liebling	Otremba	Slocum
Anderson, B.	Dittrich	Hilty	Lieder	Ozment	Smith
Anderson, S.	Dominguez	Holberg	Lillie	Paulsen	Solberg
Anzelc	Doty	Hoppe	Loeffler	Paymar	Sviggum
Atkins	Eastlund	Hornstein	Madore	Pelowski	Swails
Beard	Eken	Hortman	Magnus	Peppin	Thao
Benson	Erhardt	Hosch	Mahoney	Peterson, A.	Thissen
Berns	Erickson	Howes	Mariani	Peterson, N.	Tillberry
Bigham	Faust	Huntley	Marquart	Peterson, S.	Tingelstad
Bly	Finstad	Jaros	Masin	Poppe	Tschumper
Brod	Fritz	Johnson	McFarlane	Rukavina	Urdahl
Brown	Gardner	Juhnke	McNamara	Ruth	Wagenius
Brynaert	Garofalo	Kahn	Moe	Ruud	Walker
Bunn	Gottwalt	Kalin	Morgan	Sailer	Ward
Carlson	Greiling	Knuth	Morrow	Scalze	Wardlow
Clark	Gunther	Koenen	Mullery	Seifert	Welti
Cornish	Hackbarth	Kohls	Murphy, E.	Sertich	Westrom
Davnie	Hamilton	Kranz	Murphy, M.	Severson	Winkler
Dean	Hansen	Laine	Nelson	Shimanski	Wollschlager
DeLaForest	Hausman	Lanning	Nornes	Simon	Zellers
Demmer	Haws	Lenczewski	Norton	Simpson	Spk. Kelliher
Dettmer	Heidgerken	Lesch	Olin	Slawik	

Those who voted in the negative were:

Buesgens            Emmer

The bill was passed, as amended, and its title agreed to.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 846:

Solberg, Haws and Severson.

#### FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place H. F. No. 6 and S. F. No. 1997 on the Fiscal Calendar for Wednesday, April 18, 2007.

Tschumper was excused between the hours of 3:05 p.m. and 3:35 p.m.

### FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 2096.

S. F. No. 2096 was reported to the House.

The Speaker called Pelowski to the Chair.

Kohls moved that S. F. No. 2096, the third unofficial engrossment, be re-referred to the Committee on Finance.

A roll call was requested and properly seconded.

The question was taken on the Kohls motion and the roll was called. There were 49 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Gottwalt	Lanning	Peterson, N.	Urdahl
Anderson, B.	Demmer	Gunther	Magnus	Ruth	Wardlow
Anderson, S.	Dettmer	Hackbarth	McFarlane	Seifert	Westrom
Beard	Eastlund	Hamilton	McNamara	Severson	Zellers
Berns	Emmer	Heidgerken	Nornes	Shimanski	
Brod	Erhardt	Holberg	Olson	Simpson	
Buesgens	Erickson	Hoppe	Ozment	Smith	
Cornish	Finstad	Howes	Paulsen	Sviggum	
Dean	Garofalo	Kohls	Peppin	Tingelstad	

Those who voted in the negative were:

Anzelc	Eken	Johnson	Mahoney	Pelowski	Thissen
Atkins	Faust	Juhnke	Mariani	Peterson, A.	Tillberry
Benson	Fritz	Kahn	Marquart	Peterson, S.	Tschumper
Bigham	Gardner	Kalin	Masin	Poppe	Wagenius
Bly	Greiling	Knuth	Moe	Rukavina	Walker
Brown	Hansen	Koenen	Morgan	Ruud	Ward
Brynaert	Hausman	Kranz	Morrow	Sailer	Welti
Bunn	Haws	Laine	Mullery	Scalze	Winkler
Carlson	Hilstrom	Lenczewski	Murphy, E.	Sertich	Wollschlager
Clark	Hilty	Lesch	Murphy, M.	Simon	Spk. Kelliher
Davnie	Hornstein	Liebling	Nelson	Slawik	
Dill	Hortman	Lieder	Norton	Slocum	
Dittrich	Hosch	Lillie	Olin	Solberg	
Dominguez	Huntley	Loeffler	Otremba	Swails	
Doty	Jaros	Madore	Paymar	Thao	

The motion did not prevail.

Juhnke and Wagenius moved to amend S. F. No. 2096, the third unofficial engrossment, as follows:

Page 22, line 16, after "two" insert "statewide"

Page 22, line 17, after "a" insert "statewide"

Page 22, line 18, after "three" insert "statewide"

Page 22, line 20, after "three" insert "statewide"

Page 22, line 21, after "three" insert "statewide"

Page 22, line 22, after the period, insert "No person registered as a lobbyist under Minnesota Statutes, section 10A.03, may serve on the technical advisory committee."

The motion prevailed and the amendment was adopted.

Ozment and Wagenius moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 82, after line 31, insert:

"Sec. 76. Minnesota Statutes 2006, section 394.23, is amended to read:

**394.23 COMPREHENSIVE PLAN.**

The board has the power and authority to prepare and adopt by ordinance, a comprehensive plan. A comprehensive plan or plans when adopted by ordinance must be the basis for official controls adopted under the provisions of sections 394.21 to 394.37. The commissioner of natural resources must provide the natural heritage data from the county biological survey, if available, to each county for use in the comprehensive plan.

Sec. 77. Minnesota Statutes 2006, section 462.353, subdivision 2, is amended to read:

Subd. 2. **Studies and reports.** In exercising its powers under subdivision 1, a municipality may collect and analyze data, prepare maps, charts, tables, and other illustrations and displays, and conduct necessary studies. A municipality may publicize its purposes, suggestions, and findings on planning matters, may distribute reports thereon, and may advise the public on the planning matters within the scope of its duties and objectives. The commissioner of natural resources must provide the natural heritage data from the county biological survey, if available, to each municipality for use in the comprehensive plan."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Moe moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 18, after line 8, insert:

"Money appropriated under Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 6, paragraph (h), for the Paul Bunyan State Trail connection is available until June 30, 2008."

The motion prevailed and the amendment was adopted.

Loeffler, McNamara and Wagenius moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 36, after line 23, insert:

"Sec. 5. Minnesota Statutes 2006, section 18G.03, is amended by adding a subdivision to read:

Subd. 5. **Certain species not subject to chapter 18G.** This chapter does not apply to exotic aquatic plants and wild animal species regulated under chapter 84D.

Sec. 6. Minnesota Statutes 2006, section 18G.11, is amended to read:

#### **18G.11 COOPERATION WITH OTHER JURISDICTIONS.**

Subdivision 1. **Detection and control agreements.** The commissioner may enter into cooperative agreements with organizations, persons, civic groups, governmental agencies, or other organizations to adopt and execute plans to detect and control areas infested or infected with harmful plant pests. The cooperative agreements may include provisions of joint funding of any control treatment.

If a harmful plant pest infestation or infection occurs and cannot be adequately controlled by individual persons, owners, tenants, or local units of government, the commissioner may conduct the necessary control measures independently or on a cooperative basis with federal or other units of government.

Subd. 2. **New and emerging plant pest programs.** The commissioner may make grants to municipalities or enter into contracts with municipalities, nurseries, colleges, universities, state or federal agencies in connection with new or emerging plant pests programs, including research, or any other organization with the legal authority to enter into contractual agreements."

Page 42, after line 16, insert:

"Sec. 18. Minnesota Statutes 2006, section 84D.14, is amended to read:

#### **84D.14 EXEMPTIONS.**

This chapter does not apply to:

- (1) pathogens and terrestrial arthropods regulated under sections 18G.01 to ~~18G.16~~ 18G.15; or
- (2) mammals and birds defined by statute as livestock."

Page 44, after line 19, insert:

"Sec. 23. Minnesota Statutes 2006, section 88.01, is amended by adding a subdivision to read:

Subd. 27. **Community forest.** "Community forest" means public and private trees and associated plants occurring individually, in small groups, or under forest conditions within a municipality.

Sec. 24. Minnesota Statutes 2006, section 88.79, subdivision 1, is amended to read:

Subdivision 1. **Employment of competent foresters; service to private owners.** The commissioner of natural resources may employ competent foresters to furnish owners of forest lands within the state of Minnesota who own not more than 1,000 acres of forest land, forest management services consisting of:

- (1) advice in management and protection of timber, including written stewardship and forest management plans;
- (2) selection and marking of timber to be cut;
- (3) measurement of products;
- (4) aid in marketing harvested products;
- (5) provision of tree-planting equipment; ~~and~~
- (6) advice in community forest management; and

(7) such other services as the commissioner of natural resources deems necessary or advisable to promote maximum sustained yield of timber and other benefits upon such forest lands.

Sec. 25. Minnesota Statutes 2006, section 88.79, subdivision 2, is amended to read:

Subd. 2. **Charge for service; receipts to special revenue fund.** The commissioner of natural resources may charge the owner receiving such services such sums as the commissioner shall determine to be fair and reasonable. The charges must account for differences in the value of timber and other benefits. The receipts from such services shall be credited to the special revenue fund and are annually appropriated to the commissioner for the purposes specified in subdivision 1.

Sec. 26. Minnesota Statutes 2006, section 88.82, is amended to read:

#### **88.82 MINNESOTA RELEAF PROGRAM.**

The Minnesota releaf program is established in the Department of Natural Resources to encourage, promote, and fund the inventory, planting, assessment, maintenance, and improvement, protection, and restoration of trees and forest resources in this state to enhance community forest ecosystem health and sustainability as well as to reduce atmospheric carbon dioxide levels and promote energy conservation.

Sec. 27. Minnesota Statutes 2006, section 89.001, subdivision 8, is amended to read:

Subd. 8. **Forest resources.** "Forest resources" means those natural assets of forest lands, including timber and other forest crops; biological diversity; recreation; fish and wildlife habitat; wilderness; rare and distinctive flora and fauna; air; water; soil; climate; and educational, aesthetic, and historic values.

Sec. 28. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision to read:

Subd. 15. **Forest pest.** "Forest pest" means any vertebrate or invertebrate animal, plant pathogen, or plant that is determined by the commissioner to be harmful, injurious, or destructive to forests or timber.

Sec. 29. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision to read:

Subd. 16. **Shade tree pest.** "Shade tree pest" means any vertebrate or invertebrate animal, plant pathogen, or plant that is determined by the commissioner to be harmful, injurious, or destructive to shade trees or community forests.

Sec. 30. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision to read:

Subd. 17. **Community forest.** "Community forest" has the meaning given under section 88.01, subdivision 27.

Sec. 31. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision to read:

Subd. 18. **Shade tree.** "Shade tree" means a woody perennial grown primarily for aesthetic or environmental purposes.

Sec. 32. Minnesota Statutes 2006, section 89.01, subdivision 1, is amended to read:

Subdivision 1. **Best methods.** The commissioner shall ascertain and observe the best methods of reforestation, cutover and denuded lands, foresting waste lands, ~~preventing destruction~~ minimizing loss or damage of forests and lands forest resources by fire, forest pests, or shade tree pests, administering forests on forestry principles, encouraging private owners to preserve and grow trees or timber for commercial or other purposes, and conserving the forests around the head waters of streams and on the watersheds of the state.

Sec. 33. Minnesota Statutes 2006, section 89.01, subdivision 2, is amended to read:

Subd. 2. **General duties.** The commissioner shall execute all rules pertaining to forestry and forest protection within the jurisdiction of the state; have charge of the work of protecting all forests and lands from fire, forest pests, and shade tree pests; shall investigate the origin of all forest fires; and prosecute all violators as provided by law; shall prepare and print for public distribution an abstract of the forest fire laws of Minnesota, together with such rules as may be formulated.

The commissioner shall prepare printed notices calling attention to the dangers from forest fires and cause them to be posted in conspicuous places.

Sec. 34. Minnesota Statutes 2006, section 89.01, subdivision 4, is amended to read:

Subd. 4. **Forest plans.** The commissioner shall cooperate with the several departments of the state and federal governments and with counties, towns, municipalities, corporations, or individuals in the preparation of plans for forest protection, ~~and management, and planting or~~ replacement of trees, ~~in~~ wood lots, ~~and~~ community forests or on timber tracts, using such influence as time will permit toward the establishment of scientific forestry principles in the management, protection, and promotion of the forest resources of the state."

Page 45, after line 10, insert:

"Sec. 25. Minnesota Statutes 2006, section 89.51, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** For the purposes of sections 89.51 to ~~89.61~~ 89.64 the terms described in this section have the meanings ascribed to them.

Sec. 26. Minnesota Statutes 2006, section 89.51, subdivision 6, is amended to read:

Subd. 6. **Infestation.** "Infestation;" includes actual, potential, incipient, or ~~emergency~~ emergent infestation or infection by forest pests or shade tree pests.

Sec. 27. Minnesota Statutes 2006, section 89.51, subdivision 9, is amended to read:

Subd. 9. **Forest land or forest.** "Forest land" or "forest;" means land on which occurs a stand or potential stand of trees valuable for timber products, watershed or wildlife protection, recreational uses, community forest benefits, or other purposes, and shall include lands owned or controlled by the state of Minnesota.

Sec. 28. Minnesota Statutes 2006, section 89.52, is amended to read:

#### **89.52 SURVEYS, INVESTIGATIONS.**

The commissioner shall make surveys and investigations to determine the presence of infestations of forest pests or shade tree pests. For this purpose, duly designated representatives of the commissioner may enter at reasonable times on public and private lands ~~for the purpose of conducting such~~ to conduct the surveys and investigations.

Sec. 29. Minnesota Statutes 2006, section 89.53, is amended to read:

#### **89.53 CONTROL OF FOREST PESTS AND SHADE TREE PESTS.**

Subdivision 1. **Commissioner's duties; notice of control measures.** Whenever the commissioner finds that an area in the state is infested or threatened to be infested with forest pests or shade tree pests, the commissioner shall determine whether measures of control are needed ~~and are available,~~ what control measures are to be applied, and the area over which the control measures shall be applied. The commissioner shall prescribe a proposed zone of infestation covering the area in which control measures are to be applied and shall publish notice of the proposal once a week, for two successive weeks in a newspaper having a general circulation in each county located in whole or in part in the proposed zone of infestation. Prescribing zones of infestation ~~is and prescribing measures of control are exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.~~

Subd. 2. **Notice requirements; public comment.** The notice shall include a description of the boundaries of the proposed zone of infestation, the control measures to be applied, and a time and place where municipalities and owners of forest lands or shade trees in the zone may show cause orally or in writing why the zone and control measures should or should not be established. The commissioner shall consider any statements received in determining whether the zone shall be established and the control measures applied.

Subd. 3. **Experimental programs.** The commissioner may establish experimental programs for the control of forest pests or shade tree pests and for municipal reforestation.

Sec. 30. Minnesota Statutes 2006, section 89.54, is amended to read:

#### **89.54 ZONES OF INFESTATION, ESTABLISHMENT.**

Upon the decision by the commissioner that the establishment of a zone of infestation is necessary, the commissioner shall make a written order establishing ~~said the~~ the zone, and upon making ~~said the~~ the order, ~~said the~~ the zone shall be established. Notice of the establishment of the zone shall thereupon be published in a newspaper having a general circulation in each county located in whole or in part in the proposed zone and posted on the Department of Natural Resources Web site.

Sec. 31. Minnesota Statutes 2006, section 89.55, is amended to read:

**89.55 INFESTATION CONTROL, COSTS.**

Upon the establishment of the zone of infestation, the commissioner may apply measures of infestation prevention and control on public and private forest and other lands within such zone and to any trees, ~~timber~~, plants ~~or shrubs thereon~~, wood or wood products, or contaminated soil harboring or which may harbor the forest pests or shade tree pests. For this purpose, the duly authorized representatives of the commissioner are authorized to enter upon any lands, public or private within such the zone. The commissioner may enter into agreements with owners of the lands in the zone covering the control work on their lands, and fixing the pro rata basis on which the cost of such the work will be shared between the commissioner and ~~said the~~ owner.

Sec. 32. Minnesota Statutes 2006, section 89.56, subdivision 1, is amended to read:

Subdivision 1. **Statement of expenses; cost to owners.** At the end of each fiscal year and upon completion of the infestation control measures in any zone of infestation, the commissioner shall prepare a certified statement of expenses incurred in carrying out such the measures, including expenses of owners covered by agreements entered into pursuant to section 89.55. The statement shall show the amount which that the commissioner determines to be its the commissioner's share of the expenses. The share of the commissioner may include funds and the value of other contributions made available by the federal government and other cooperators. The balance of such the costs shall constitute a charge on an acreage basis as provided herein against the owners of lands in the zone containing trees ~~valuable or potentially valuable for commercial timber purposes and~~ affected or likely to be affected by the forest pests or shade tree pests for which control measures were conducted. In fixing the rates at which charges shall be made against each owner, the commissioner shall consider the present commercial value of the trees on the land, the present and potential benefits to such the owner from the application of the control measures, ~~and~~ the cost of applying such the measures to the land, and such other factors as in the discretion of the commissioner will enable determination of an equitable distribution of the cost to all such owners. No charge shall be made against owners to the extent that they have individually or as members of a cooperative association contributed funds, supplies, or services pursuant to agreement under this section.

Sec. 33. Minnesota Statutes 2006, section 89.56, subdivision 3, is amended to read:

Subd. 3. **Collection.** The unpaid charges assessed under sections 89.51 to ~~89.61~~ 89.64 and the actions of the commissioner on any protests filed pursuant to subdivision 2, shall be reported to the tax levying authority for the county in which the lands for which the charges are assessed are situated and shall be made a public record. Any charges finally determined to be due shall become a special assessment and shall be payable in the same manner and with the same interest and penalty charges and with the same procedure for collection as apply to ad valorem property taxes. Upon collection of the charges, the county treasurer shall forthwith cause the amounts thereof to be paid to the forest pest and shade tree pest control ~~fund~~ account created by section 89.58. Any unpaid charge or lien against the lands shall not be affected by the sale thereof or by dissolution of the zone of infestation.

Sec. 34. Minnesota Statutes 2006, section 89.57, is amended to read:

**89.57 DISSOLUTION OF ZONE INFESTATION.**

Whenever the commissioner shall determine that forest pest or shade tree pest control work within an established zone of infestation is no longer necessary or feasible, the commissioner shall dissolve the zone.

Sec. 35. Minnesota Statutes 2006, section 89.58, is amended to read:

**89.58 FOREST PEST AND SHADE TREE PEST CONTROL ACCOUNT.**

All money collected under the provisions of sections 89.51 to ~~89.61~~ 89.64, together with such money as may be appropriated by the legislature or allocated by the Legislative Advisory Commission for the purposes of sections 89.51 to ~~89.61~~ 89.64, and such money as may be contributed or paid by the federal government, or any other public or private agency, organization or individual, shall be deposited in the state treasury, to the credit of the forest pest and shade tree pest control account, which account is hereby created, and any moneys therein are appropriated to the commissioner for use in carrying out the purposes ~~hereof~~ of sections 89.51 to 89.64.

Sec. 36. Minnesota Statutes 2006, section 89.59, is amended to read:

**89.59 COOPERATION.**

The commissioner may cooperate with the United States or agencies thereof, other agencies of the state, county or municipal governments, agencies of neighboring states, or other public or private organizations or individuals and may accept such funds, equipment, supplies, or services from cooperators and others as ~~if~~ the commissioner may provide in agreements with the United States or its agencies for matching of federal funds as required under laws of the United States relating to forest pests and shade tree pests.

Sec. 37. Minnesota Statutes 2006, section 89.60, is amended to read:

**89.60 DUTIES, RULES; COMMISSIONER.**

The commissioner is authorized to employ personnel in accordance with the laws of this state, to procure necessary equipment, supplies, and service, to enter into contracts, to provide funds to any agency of the United States for work or services under sections 89.51 to ~~89.61~~ 89.64, and to designate or appoint, as ~~is~~ the commissioner's representatives, employees of ~~its~~ cooperators, including employees of the United States or any agency thereof. The commissioner may prescribe rules for carrying out the purposes ~~hereof~~ of this section.

Sec. 38. Minnesota Statutes 2006, section 89.61, is amended to read:

**89.61 ACT SUPPLEMENTAL.**

Provisions of sections 89.51 to ~~89.61~~ 89.64 are supplementary to and not to be construed to repeal existing legislation."

Page 46, after line 5, insert:

"Sec. 39. **[89.63] CERTIFICATION OF TREE INSPECTORS.**

(a) The governing body of a municipality may appoint a qualified tree inspector. Two or more municipalities may jointly appoint a tree inspector for the purpose of administering their respective pest control programs.

(b) Upon a determination by the commissioner that a candidate for the position of tree inspector is qualified, the commissioner shall issue a certificate of qualification to the tree inspector. The certificate is valid for one year. A person certified as a tree inspector by the commissioner may enter and inspect any public or private property that might harbor forest pests or shade tree pests. The commissioner shall offer an annual tree inspector certification workshop, upon completion of which participants are qualified as tree inspectors.

(c) The commissioner may suspend and, upon notice and hearing, decertify a tree inspector if the tree inspector fails to act competently or in the public interest in the performance of duties.

Sec. 40. **[89.64] EXEMPTIONS.**

This chapter does not supersede the authority of the Department of Agriculture under chapter 18G."

Page 48, after line 20, insert:

"Sec. 31. Minnesota Statutes 2006, section 97A.205, is amended to read:

**97A.205 ENFORCEMENT OFFICER POWERS.**

An enforcement officer is authorized to:

(1) execute and serve court issued warrants and processes relating to wild animals, wild rice, public waters, water pollution, conservation, and use of water, in the same manner as a sheriff;

(2) enter any land to carry out the duties and functions of the division;

(3) make investigations of violations of the game and fish laws;

(4) take an affidavit, if it aids an investigation;

(5) arrest, without a warrant, a person who is detected in the actual violation of the game and fish laws, a provision of chapters 84, 84A, 84D, 85, 86A, 88 to 97C, 103E, 103F, 103G, sections 86B.001 to 86B.815, 89.51 to ~~89.64~~ 89.64; or 609.66, subdivision 1, clauses (1), (2), (5), and (7); and 609.68; and

(6) take an arrested person before a court in the county where the offense was committed and make a complaint.

Nothing in this section grants an enforcement officer any greater powers than other licensed peace officers."

Page 86, after line 4, insert:

"Sec. 80. **FOREST PROTECTION PLAN.**

Subdivision 1. **Task force plan.** (a) The Forest Resources Council shall create a task force to develop a plan to prepare the state for early detection, appropriate response, and educating the public regarding invasive pests that threaten the tree cover of Minnesota. The task force also may give advice on how to best promote forest diversity and the planting of trees to address environmental challenges with the state. The plan must address:

(1) current efforts to address forest pests, what geographic areas and property types have regular and active monitoring of forest pests, and gaps in the adequacy of the current oversight and detection system;

(2) how the state may establish a flexible, yet comprehensive, system of tree monitoring so that trees in all areas of Minnesota will be covered by active early pest detection efforts. In analyzing this, the task force shall consider possible roles for certified tree inspectors, volunteers, and state and local government;

(3) current storm damage response and how that might be improved for forest health and to minimize vulnerability to pest infection;

(4) the adequacy of the current response plan, the clarity of state and local roles and responsibilities, emergency communication plans, and the availability of needed funding for pest outbreak response and how to scale it up should a major outbreak be detected;

(5) recommendations for clear delineation of state and local roles in notifying property owners and enforcing remediation actions;

(6) the best approach to broad public education on the threats of new invasive tree pests, the expected response to an outbreak, the value of trees to our environment, and the promotion of a more diversified tree cover statewide; and

(7) an assessment of funding needs and options for the above activities and possible funding approaches to promote the planting of a more diverse tree cover, along with assisting in the costs of tree removal and replacement for public entities and property owners.

(b) A report and recommendations to the legislative committees with jurisdiction over natural resources and to the Legislative-Citizen Commission on Minnesota Resources shall be due on December 15, 2007.

Subd. 2. **Task force creation.** The chair of the Forest Resources Council and the commissioners of agriculture and natural resources shall jointly appoint the members of the task force, which shall include up to 15 members with representatives of the University of Minnesota; city, township, and county associations; commercial timber and forest industries of varying size; nursery and landscape architecture; arborists and certified tree inspectors; nonprofit organizations engaged in tree advocacy, planting, and education; master gardeners and the Minnesota Shade Tree Advisory Council and a tribal representative recommended by the Indian Affairs Council.

Representatives of the Departments of Agriculture and Natural Resources shall serve as ex-officio members and assist the task force in its work."

Page 89, delete section 89 and insert:

"Sec. 89. **REPEALER.**

(a) Minnesota Statutes 2006, sections 18G.16; and 89.51, subdivision 8, are repealed.

(b) Minnesota Statutes 2006, section 89A.11, is repealed effective July 1, 2007.

(c) Minnesota Statutes 2006, section 103G.2241, subdivision 8, is repealed the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hilty moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 92, line 25, after "efficiency" insert ", as described in article 6, section 10"

Page 94, line 25, delete "3" and insert "6, section 18"

The motion prevailed and the amendment was adopted.

Severson was excused between the hours of 4:55 p.m. and 9:40 p.m.

Scalze, Cornish, Hansen, Greiling, Ozment, Erhardt, Nelson, Hortman, Tschumper, Lenczewski, McNamara, Wagenius and Peterson, A., moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 36, after line 23, insert:

"Sec. 5. Minnesota Statutes 2006, section 17.4984, subdivision 1, is amended to read:

Subdivision 1. **License required.** (a) A person or entity may not operate an aquatic farm without first obtaining an aquatic farm license from the commissioner.

(b) Applications for an aquatic farm license must be made on forms provided by the commissioner.

(c) Licenses are valid for five years and are transferable upon notification to the commissioner.

(d) The commissioner shall issue an aquatic farm license on payment of the required license fee under section 17.4988.

(e) A license issued by the commissioner is not a determination of private property rights, but is only based on a determination that the licensee does not have a significant detrimental impact on the public resource.

(f) The commissioner shall not issue or renew a license to farm fish in a natural water body if the natural water body is the subject of a protective easement or other interest in land that was acquired with funding from federal waterfowl stamp proceeds or migratory waterfowl stamp proceeds under section 97A.075, subdivision 2, or if the natural water body was the subject of any other development, restoration, maintenance, or preservation project funded under section 97A.075, subdivision 2.

**EFFECTIVE DATE.** This section is effective July 1, 2008."

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "modifying aquatic farm license provisions;"

Correct the title numbers accordingly

A roll call was requested and properly seconded.

#### POINT OF ORDER

Hackbarth raised a point of order pursuant to rule 3.21 that the Scalze et al amendment was not in order. The Speaker ruled the point of order not well taken and the Scalze et al amendment in order.

Dill moved to amend the Scalze et al amendment to S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 1, line 16, delete "fish" and insert "minnows"

The motion prevailed and the amendment to the amendment was adopted.

Dill moved to amend the Scalze et al amendment, as amended, to S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 1, line 16, delete "or renew" and before "license" insert "new"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment, as amended, and the roll was called. There were 75 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hamilton	Kranz	Paulsen	Thao
Anderson, B.	Dill	Hansen	Lanning	Peppin	Tillberry
Anderson, S.	Doty	Haws	Magnus	Poppe	Tingelstad
Anzels	Eastlund	Heidgerken	Marquart	Rukavina	Urdahl
Beard	Eken	Hilty	McFarlane	Ruth	Ward
Berns	Emmer	Holberg	McNamara	Sailer	Wardlow
Brod	Erickson	Hosch	Morrow	Seifert	Welti
Brown	Faust	Howes	Murphy, M.	Sertich	Westrom
Buesgens	Finstad	Jaros	Nornes	Shimanski	Wollschlager
Bunn	Fritz	Juhnke	Olin	Simpson	Zellers
Dean	Gottwalt	Kalin	Olson	Smith	
DeLaForest	Gunther	Koenen	Otremba	Solberg	
Demmer	Hackbarth	Kohls	Ozment	Sviggum	

Those who voted in the negative were:

Atkins	Dominguez	Huntley	Loeffler	Norton	Slocum
Benson	Erhardt	Johnson	Madore	Paymar	Swails
Bigham	Gardner	Kahn	Mahoney	Pelowski	Thissen
Bly	Garofalo	Knuth	Mariani	Peterson, A.	Tschumper
Brynaert	Greiling	Laine	Masin	Peterson, N.	Wagenius
Carlson	Hausman	Lenczewski	Moe	Peterson, S.	Walker
Clark	Hilstrom	Lesch	Morgan	Ruud	Winkler
Cornish	Hoppe	Liebling	Mullery	Scalze	Spk. Kelliher
Davnie	Hornstein	Lieder	Murphy, E.	Simon	
Dittrich	Hortman	Lillie	Nelson	Slawik	

The motion prevailed and the amendment to the amendment, as amended, was adopted.

The question recurred on the Scalze et al amendment, as amended, and the roll was called. There were 73 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Atkins	Erhardt	Johnson	Mariani	Peterson, N.	Tingelstad
Benson	Fritz	Kahn	Masin	Peterson, S.	Tschumper
Bigham	Gardner	Kalin	McNamara	Poppe	Wagenius
Bly	Greiling	Knuth	Moe	Ruud	Walker
Brown	Hansen	Laine	Morgan	Scalze	Welti
Brynaert	Hausman	Lenczewski	Morrow	Simon	Winkler
Bunn	Haws	Lesch	Murphy, E.	Slawik	Wollschlager
Carlson	Hilstrom	Liebling	Murphy, M.	Slocum	Spk. Kelliher
Clark	Hilty	Lieder	Nelson	Smith	
Cornish	Hoppe	Lillie	Norton	Swails	
Davnie	Hornstein	Loeffler	Ozment	Thao	
Dittrich	Hortman	Madore	Paymar	Thissen	
Dominguez	Huntley	Mahoney	Peterson, A.	Tillberry	

Those who voted in the negative were:

Abeler	Demmer	Garofalo	Juhnke	Olson	Shimanski
Anderson, B.	Dettmer	Gottwalt	Koenen	Otremba	Simpson
Anderson, S.	Dill	Gunther	Kohls	Paulsen	Solberg
Anzalc	Doty	Hackbarth	Kranz	Pelowski	Sviggum
Beard	Eastlund	Hamilton	Lanning	Peppin	Urdahl
Berns	Eken	Heidgerken	Magnus	Rukavina	Ward
Brod	Emmer	Holberg	Marquart	Ruth	Wardlow
Buesgens	Erickson	Hosch	McFarlane	Sailer	Westrom
Dean	Faust	Howes	Nornes	Seifert	Zellers
DeLaForest	Finstad	Jaros	Olin	Sertich	

The motion prevailed and the amendment, as amended, was adopted.

Magnus, Hamilton, Juhnke, Hansen, Welti, Koenen, Heidgerken, Finstad, Urdahl and Shimanski moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 65, line 22, delete "June 10" and insert "July 5"

The motion prevailed and the amendment was adopted.

Peterson, A.; Moe and Kalin moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 181, after line 16, insert:

"Sec. 9. Minnesota Statutes 2006, section 216B.2422, is amended by adding a subdivision to read:

Subd. 2b. **Xcel requirement.** The utility that own the nuclear generating plant at Prairie Island must include the following information in its resource plan for each community that is a signatory to the Northern Flood Agreement, including South Indian Lake:

(1) median household income and number of residents employed full-time and part-time;

(2) results of laboratory tests assessing drinking water quality;

(3) the number of outstanding claims filed against Manitoba Hydro by individuals and communities, and the number of claims settled by Manitoba Hydro; and

(4) the amount of shoreline damaged by flooding and erosion, and the amount of shoreline restored and cleaned.

For the purposes of this subdivision, "Northern Flood Agreement" means the agreement entered into by the Northern Flood Committee, Incorporated, the Manitoba Hydro-Electric Board, the province of Manitoba and the government of Canada on December 16, 1977."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Peterson, A., et al amendment and the roll was called.

Pursuant to rule 2.05, the Speaker excused Thissen from voting on the Peterson, A., et al amendment to S. F. No. 2096, the third unofficial engrossment, as amended.

There were 66 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anzelc	Dittrich	Hornstein	Lesch	Murphy, M.	Slawik
Atkins	Dominguez	Hortman	Liebling	Norton	Slocum
Benson	Faust	Hosch	Lillie	Paymar	Thao
Bigham	Fritz	Jaros	Loeffler	Pelowski	Tillberry
Bly	Gardner	Johnson	Madore	Peterson, A.	Tschumper
Brown	Greiling	Kahn	Mariani	Poppe	Wagenius
Brynaert	Hansen	Kalin	Masin	Ruud	Walker
Bunn	Hausman	Knuth	Moe	Sailer	Ward
Carlson	Haws	Kranz	Morrow	Scalze	Welti
Clark	Hilstrom	Laine	Mullery	Sertich	Wollschlager
Davnie	Hilty	Lenczewski	Murphy, E.	Simon	Spk. Kelliher

Those who voted in the negative were:

Abeler	Beard	Buesgens	DeLaForest	Dill	Eken
Anderson, B.	Berns	Cornish	Demmer	Doty	Emmer
Anderson, S.	Brod	Dean	Dettmer	Eastlund	Erhardt

Erickson	Holberg	Lieder	Nornes	Peterson, S.	Sviggum
Finstad	Hoppe	Magnus	Olin	Rukavina	Swails
Garofalo	Howes	Mahoney	Olson	Ruth	Tingelstad
Gottwalt	Huntley	Marquart	Otremba	Seifert	Urdahl
Gunther	Juhnke	McFarlane	Ozment	Shimanski	Wardlow
Hackbarth	Koenen	McNamara	Paulsen	Simpson	Westrom
Hamilton	Kohls	Morgan	Peppin	Smith	Winkler
Heidgerken	Lanning	Nelson	Peterson, N.	Solberg	Zellers

The motion did not prevail and the amendment was not adopted.

The Speaker called Pelowski to the Chair.

Urdahl moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 16, delete lines 15 to 22

Page 42, after line 28, insert:

"Sec. 19. Minnesota Statutes 2006, section 85.013, is amended by adding a subdivision to read:

Subd. 11b. Greenleaf Lake State Recreation Area, which is hereby renamed from Greenleaf Lake State Park."

Page 87, after line 25, insert:

"Sec. 87. **GREENLEAF LAKE STATE RECREATION AREA.**

Subdivision 1. [85.013] [Subd. 11b.] Greenleaf Lake State Recreation Area. In addition to the lands designated under Laws 2003, First Special Session chapter 13, section 6, as amended by Laws 2004, chapter 262, article 2, section 10, the following lands are added to the Greenleaf Lake State Recreation Area:

(1) the West 1104.98 feet of Government Lot 4, Section 21, Township 118 North, Range 30 West, Meeker County, Minnesota; and

(2) that part of Government Lot 7 of Section 20, Township 118, Range 30, which lies south of the following described line and its extensions: said line commencing at the southwest corner of said Section 20; thence on an assumed bearing of North 08 degrees 22 minutes 44 seconds West, along the west line of said section, a distance of 1350.00 feet to the point of beginning of the line to be described; thence North 88 degrees 28 minutes 35 seconds East, a distance of 699 feet to the shoreline of Greenleaf Lake and said line terminating thereat; and Government Lot 8 of said section except the following described tract: said tract being that part of said Government Lot 8 lying east of the following described line: said line commencing at the southwest corner of said section; thence easterly, along the south line of said section, a distance of 734.60 feet to the point of beginning of the line to be described; thence north at a right angle, a distance of 100 feet and said line terminating thereat.

Subd. 2. Management. (a) The commissioner of natural resources, in consultation with local elected officials and citizens of Meeker County and other interested stakeholders, shall develop a comprehensive management plan that provides for opportunities for outdoor recreation, as defined under Minnesota Statutes, section 86A.03, subdivision 3, in Greenleaf Lake State Recreation Area. The completed management plan shall serve as the master plan for purposes of Minnesota Statutes, section 86A.09.

(b) The redesignation of Greenleaf Lake State Park to a state recreation area under this act does not take effect until the first parcel of land is purchased by the commissioner for the state recreation area."

Page 89, after line 12, insert:

"(c) Minnesota Statutes 2006, section 85.012, subdivision 24b, is repealed."

ReNUMBER the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 11, after the semicolon, insert "modifying Greenleaf Lake State Park provisions;"

Correct the title numbers accordingly

The motion prevailed and the amendment was adopted.

Hilty moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 152, after line 1 insert:

"Sec. 3. Minnesota Statutes 2006, section 116C.775, is amended to read:

**116C.775 SHIPMENT PRIORITIES; ~~PRAIRIE ISLAND~~ NUCLEAR PLANTS.**

If a storage or disposal site becomes available outside of the state to accept high-level nuclear waste stored at Prairie Island or Monticello, the waste contained in dry casks shall be shipped to that site before the shipment of any waste from the spent nuclear fuel storage pool. Once waste is shipped that was contained in a cask, the cask must be decommissioned and not used for further storage.

Sec. 4. Minnesota Statutes 2006, section 116C.777, is amended to read:

**116C.777 SITE.**

The spent fuel contents of dry casks located on Prairie Island must be moved immediately upon the availability of another site for storage of the spent fuel that is not located on Prairie Island or at Monticello.

Sec. 5. Minnesota Statutes 2006, section 116C.779, subdivision 1, is amended to read:

Subdivision 1. **Renewable development account.** (a) The public utility that owns the Prairie Island nuclear generating plant must transfer to a renewable development account \$16,000,000 annually each year the plant is in operation, and \$7,500,000 each year the plant is not in operation if ordered by the commission pursuant to paragraph ~~(e)~~ (d). The fund transfer must be made if nuclear waste is stored in a dry cask at the independent spent-fuel storage facility at Prairie Island for any part of a year. Funds in the account may be expended only for development of renewable energy sources. Preference must be given to development of renewable energy source projects located within the state.

(b) The public utility that owns the Monticello nuclear generating plant must transfer to the renewable development account \$500,000 annually for each dry cask containing spent nuclear fuel that is located at the independent spent fuel storage installation at the Monticello nuclear generating plant when the plant is in operation and \$7,500,000 each year the plant is not in operation if ordered by the commission under paragraph (d). The fund transfer must be made if nuclear waste is stored in a dry cask at the independent spent fuel storage facility at Monticello for any part of a year.

(c) Expenditures from the account may only be made after approval by order of the Public Utilities Commission upon a petition by the public utility.

~~(e) After discontinuation of operation of the Prairie Island nuclear plant and each year~~ (d) If spent nuclear fuel is stored in a dry cask at the Prairie Island facility or Monticello nuclear generating plant after the plant discontinues generating electricity, the commission shall require the public utility to pay \$7,500,000 for any year in which the commission finds, by the preponderance of the evidence, that the public utility did not make a good faith effort to remove the spent nuclear fuel stored at the Prairie Island or Monticello plant to a permanent or interim storage site out of the state. This determination shall be made at least every two years."

Page 169, delete section 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Emmer moved to amend the Hilty amendment to S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 1, line 26, delete "\$500,000" and insert "\$350,000"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 52 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Finstad	Howes	Ozment	Sviggum
Anderson, B.	DeLaForest	Garofalo	Kohls	Paulsen	Swails
Anderson, S.	Demmer	Gottwalt	Kranz	Peppin	Tingelstad
Beard	Dettmer	Gunther	Lanning	Peterson, N.	Urdahl
Berns	Dittrich	Hackbarth	Magnus	Ruth	Wardlow
Brod	Eastlund	Hamilton	McFarlane	Seifert	Westrom
Buesgens	Emmer	Heidgerken	McNamara	Shimanski	Zellers
Bunn	Erhardt	Holberg	Nornes	Simpson	
Cornish	Erickson	Hoppe	Olson	Smith	

Those who voted in the negative were:

Anzelc	Faust	Johnson	Mahoney	Paymar	Thao
Atkins	Fritz	Juhnke	Mariani	Pelowski	Thissen
Benson	Gardner	Kahn	Marquart	Peterson, A.	Tillberry
Bigham	Greiling	Kalin	Masin	Peterson, S.	Tschumper
Bly	Hansen	Knuth	Moe	Poppe	Wagenius
Brown	Hausman	Koenen	Morgan	Rukavina	Walker
Brynaert	Haws	Laine	Morrow	Ruud	Ward
Carlson	Hilstrom	Lenczewski	Mullery	Sailer	Welti
Clark	Hilty	Lesch	Murphy, E.	Scalze	Winkler
Davnie	Hornstein	Liebling	Murphy, M.	Sertich	Wollschlager
Dill	Hortman	Lieder	Nelson	Simon	Spk. Kelliher
Dominguez	Hosch	Lillie	Norton	Slawik	
Doty	Huntley	Loeffler	Olin	Slocum	
Eken	Jaros	Madore	Otremba	Solberg	

The motion did not prevail and the amendment to the amendment was not adopted.

DeLaForest requested a division of the Hilty amendment to S. F. No. 2096, the third unofficial engrossment, as amended.

The first portion of the Hilty amendment to S. F. No. 2096, the third unofficial engrossment, as amended, reads as follows:

Page 152, after line 1 insert:

"Sec. 3. Minnesota Statutes 2006, section 116C.775, is amended to read:

**116C.775 SHIPMENT PRIORITIES; ~~PRairie Island~~ NUCLEAR PLANTS.**

If a storage or disposal site becomes available outside of the state to accept high-level nuclear waste stored at Prairie Island or Monticello, the waste contained in dry casks shall be shipped to that site before the shipment of any waste from the spent nuclear fuel storage pool. Once waste is shipped that was contained in a cask, the cask must be decommissioned and not used for further storage.

Sec. 4. Minnesota Statutes 2006, section 116C.777, is amended to read:

**116C.777 SITE.**

The spent fuel contents of dry casks located on Prairie Island must be moved immediately upon the availability of another site for storage of the spent fuel that is not located on Prairie Island or at Monticello.

Sec. 5. Minnesota Statutes 2006, section 116C.779, subdivision 1, is amended to read:

Subdivision 1. **Renewable development account.** (a) The public utility that owns the Prairie Island nuclear generating plant must transfer to a renewable development account \$16,000,000 annually each year the plant is in operation, and \$7,500,000 each year the plant is not in operation if ordered by the commission pursuant to paragraph ~~(e)~~ (d). The fund transfer must be made if nuclear waste is stored in a dry cask at the independent spent-fuel storage facility at Prairie Island for any part of a year. Funds in the account may be expended only for development of renewable energy sources. Preference must be given to development of renewable energy source projects located within the state.

(b) The public utility that owns the Monticello nuclear generating plant must transfer to the renewable development account \$500,000 annually for each dry cask containing spent nuclear fuel that is located at the independent spent fuel storage installation at the Monticello nuclear generating plant when the plant is in operation and \$7,500,000 each year the plant is not in operation if ordered by the commission under paragraph (d). The fund transfer must be made if nuclear waste is stored in a dry cask at the independent spent fuel storage facility at Monticello for any part of a year.

(c) Expenditures from the account may only be made after approval by order of the Public Utilities Commission upon a petition by the public utility.

~~(c) After discontinuation of operation of the Prairie Island nuclear plant and each year~~ (d) If spent nuclear fuel is stored in a dry cask at the Prairie Island facility or Monticello nuclear generating plant after the plant discontinues generating electricity, the commission shall require the public utility to pay \$7,500,000 for any year in which the commission finds, by the preponderance of the evidence, that the public utility did not make a good faith effort to remove the spent nuclear fuel stored at the Prairie Island or Monticello plant to a permanent or interim storage site out of the state. This determination shall be made at least every two years."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the first portion of the Hilty amendment and the roll was called. There were 85 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Jaros	Mariani	Pelowski	Thissen
Anzelc	Eken	Johnson	Masin	Peterson, A.	Tillberry
Atkins	Faust	Juhnke	McNamara	Peterson, S.	Tschumper
Benson	Fritz	Kahn	Moe	Poppe	Wagenius
Bigham	Gardner	Kalin	Morgan	Rukavina	Walker
Bly	Greiling	Knuth	Morrow	Ruud	Ward
Brown	Hansen	Koene	Mullery	Sailer	Welti
Brynaert	Hausman	Laine	Murphy, E.	Scalze	Winkler
Bunn	Haws	Lenczewski	Murphy, M.	Sertich	Wollschlager
Carlson	Hilstrom	Lesch	Nelson	Simon	Spk. Kelliher
Clark	Hilty	Liebling	Norton	Slawik	
Davnie	Hornstein	Lieder	Olin	Slocum	
Dill	Hortman	Lillie	Otremba	Solberg	
Dittrich	Hosch	Loeffler	Ozment	Swails	
Dominguez	Huntley	Madore	Paymar	Thao	

Those who voted in the negative were:

Anderson, B.	Buesgens	Dettmer	Finstad	Hamilton	Kohls
Anderson, S.	Cornish	Eastlund	Garofalo	Heidgerken	Kranz
Beard	Dean	Emmer	Gottwalt	Holberg	Lanning
Berns	DeLaForest	Erhardt	Gunther	Hoppe	Magnus
Brod	Demmer	Erickson	Hackbarth	Howes	Mahoney

Marquart	Olson	Peterson, N.	Shimanski	Sviggum	Wardlow
McFarlane	Paulsen	Ruth	Simpson	Tingelstad	Westrom
Nornes	Peppin	Seifert	Smith	Urdahl	Zellers

The motion prevailed and the first portion of the Hilty amendment was adopted.

The second portion of the Hilty amendment to S. F. No. 2096, the third unofficial engrossment, as amended, reads as follows:

Page 169, delete section 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the second portion of the Hilty amendment and the roll was called. There were 122 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilty	Loeffler	Paulsen	Sviggum
Anderson, B.	Dittrich	Holberg	Madore	Paymar	Swails
Anderson, S.	Dominguez	Hoppe	Magnus	Pelowski	Thao
Atkins	Doty	Hornstein	Mahoney	Peppin	Thissen
Beard	Eastlund	Hosch	Marquart	Peterson, A.	Tillberry
Benson	Eken	Howes	Masin	Peterson, N.	Tingelstad
Berns	Emmer	Huntley	McFarlane	Peterson, S.	Urdahl
Bigham	Erhardt	Jaros	McNamara	Poppe	Wagenius
Bly	Erickson	Juhnke	Moe	Rukavina	Walker
Brod	Finstad	Kahn	Morgan	Ruth	Ward
Brown	Fritz	Kalin	Morrow	Ruud	Wardlow
Brynaert	Gardner	Knuth	Mullery	Sailer	Welti
Buesgens	Garofalo	Koenen	Murphy, E.	Seifert	Westrom
Bunn	Gottwalt	Kohls	Murphy, M.	Sertich	Winkler
Carlson	Gunther	Kranz	Nelson	Shimanski	Wollschlager
Cornish	Hackbarth	Laine	Nornes	Simon	Zellers
Davnie	Hamilton	Lanning	Norton	Simpson	Spk. Kelliher
Dean	Hansen	Lenczewski	Olin	Slawik	
DeLaForest	Haws	Lesch	Olson	Slocum	
Demmer	Heidgerken	Liebling	Otremba	Smith	
Dettmer	Hilstrom	Lillie	Ozment	Solberg	

Those who voted in the negative were:

Anzelc	Faust	Hortman	Lieder	Tschumper
Clark	Hausman	Johnson	Scalze	

The motion prevailed and the second portion of the Hilty amendment was adopted.

The Speaker resumed the Chair.

Kahn; Moe; Peterson, A., and Kalin moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 181, after line 16, insert:

"Sec. 9. Minnesota Statutes 2006, section 216B.2422, is amended by adding a subdivision to read:

Subd. 2b. **Xcel requirement.** The utility that owns the nuclear generating plant at Prairie Island must include the following information in its resource plan for each community that is a signatory to the Northern Flood Agreement, including South Indian Lake:

(1) median household income and number of residents employed full time and part time;

(2) the number of outstanding claims filed against Manitoba Hydro by individuals and communities, and the number of claims settled by Manitoba Hydro; and

(3) the amount of shoreline damaged by flooding and erosion, and the amount of shoreline restored and cleaned.

For the purposes of this subdivision, "Northern Flood Agreement" means the agreement entered into by the Northern Flood Committee, Incorporated, the Manitoba Hydro-Electric Board, the province of Manitoba, and the government of Canada on December 16, 1977."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kahn et al amendment and the roll was called.

Pursuant to rule 2.05, the Speaker excused Thissen from voting on the Kahn et al amendment to S. F. No. 2096, the third unofficial engrossment, as amended.

There were 69 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Greiling	Jaros	Lesch	Murphy, E.
Anzelc	Clark	Hansen	Johnson	Liebling	Murphy, M.
Atkins	Davnie	Hausman	Kahn	Lillie	Nelson
Benson	Dittrich	Haws	Kalin	Loeffler	Norton
Bigham	Dominguez	Hilstrom	Knuth	Madore	Otremba
Bly	Doty	Hilty	Koenen	Mariani	Paymar
Brown	Faust	Hornstein	Kranz	Masin	Peterson, A.
Brynaert	Fritz	Hortman	Laine	Moe	Rukavina
Bunn	Gardner	Hosch	Lenczewski	Morgan	Ruud

Scalze	Slawik	Thao	Wagenius	Welti
Sertich	Slocum	Tillberry	Walker	Wollschlager
Simon	Swails	Tschumper	Ward	Spk. Kelliher

Those who voted in the negative were:

Anderson, B.	Dill	Hamilton	Mahoney	Peppin	Sviggum
Anderson, S.	Eastlund	Heidgerken	Marquart	Peterson, N.	Tingelstad
Beard	Eken	Holberg	McFarlane	Peterson, S.	Urdahl
Berns	Emmer	Hoppe	McNamara	Poppe	Wardlow
Brod	Erhardt	Howes	Morrow	Ruth	Westrom
Buesgens	Erickson	Huntley	Nornes	Sailer	Winkler
Cornish	Finstad	Juhnke	Olin	Seifert	Zellers
Dean	Garofalo	Kohls	Olson	Shimanski	
DeLaForest	Gottwalt	Lanning	Ozment	Simpson	
Demmer	Gunther	Lieder	Paulsen	Smith	
Dettmer	Hackbarth	Magnus	Pelowski	Solberg	

The motion prevailed and the amendment was adopted.

Hoppe moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 49, after line 25, insert:

"Sec. 34. Minnesota Statutes 2006, section 97B.115, is amended to read:

**97B.115 ~~COMPUTER-ASSISTED REMOTE~~ UNFAIR CHASE HUNTING PROHIBITION.**

Subdivision 1. Computer-assisted remote hunting prohibition. (a) No person shall operate, provide, sell, use or offer to operate, provide, sell or use any computer software or service that allows a person, not physically present at the site, to remotely control a weapon that could be used to take any wild animal by remote operation, including, but not limited to, weapons or devices set up to fire through the use of the Internet or through a remote control device.

(b) A person who violates this section is guilty of a misdemeanor.

Subd. 2. Penned big game taking prohibition. (a) Notwithstanding section 17.452, no person shall operate, provide, sell, or participate in or offer to operate, provide, sell, or participate in an activity that purports to be big game hunting or that simulates hunting or harvesting big game by allowing a person to take captive cervidae or bear by firearms or archery within a cervidae or bear confinement area or enclosure. Captive cervidae or bear may not be killed by use of firearms or archery except:

(1) slaughter of farmed cervidae by firearms on a registered cervidae farm by the registered owner of the cervidae farm or by a family member or employee of the owner in compliance with all applicable state and federal livestock slaughter laws; or

(2) as otherwise prescribed by the commissioner.

(b) The commissioner may inspect farmed cervidae and captive bear animals, facilities, and records with reasonable suspicion that laws prohibiting taking of captive cervidae or bear by firearms or archery have been violated."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hoppe amendment and the roll was called. There were 52 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anzelc	Davnie	Hornstein	Lesch	Morgan	Slawik
Atkins	Dean	Howes	Liebling	Mullery	Slocum
Benson	Erhardt	Jaros	Lieder	Murphy, E.	Tschumper
Berns	Gardner	Johnson	Loeffler	Murphy, M.	Wagenius
Bigham	Greiling	Kahn	Madore	Norton	Walker
Bunn	Hansen	Kalin	Mariani	Olin	Winkler
Carlson	Hausman	Knuth	Masin	Paymar	Spk. Kelliher
Clark	Hilty	Laine	McNamara	Ruud	
Cornish	Hoppe	Lenczewski	Moe	Scalze	

Those who voted in the negative were:

Abeler	Dominguez	Haws	Mahoney	Peterson, S.	Thissen
Anderson, B.	Doty	Heidgerken	Marquart	Poppe	Tillberry
Anderson, S.	Eastlund	Hilstrom	McFarlane	Rukavina	Tingelstad
Beard	Eken	Holberg	Morrow	Ruth	Urdahl
Bly	Emmer	Hortman	Nelson	Sailer	Ward
Brod	Erickson	Hosch	Nornes	Seifert	Wardlow
Brown	Faust	Huntley	Olson	Sertich	Welti
Brynaert	Finstad	Juhnke	Otremba	Shimanski	Westrom
Buesgens	Fritz	Koenen	Ozment	Simon	Wollschlager
DeLaForest	Garofalo	Kohls	Paulsen	Simpson	Zellers
Demmer	Gottwalt	Kranz	Pelowski	Smith	
Dettmer	Gunther	Lanning	Peppin	Solberg	
Dill	Hackbarth	Lillie	Peterson, A.	Sviggum	
Dittrich	Hamilton	Magnus	Peterson, N.	Swails	

The motion did not prevail and the amendment was not adopted.

Eken and Moe moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 86, line 26, delete "identified" and insert "potential"

Page 86, line 27, delete "genetic" and insert "genetically engineered"

The motion prevailed and the amendment was adopted.

Beard, Ruth, Mahoney and Finstad moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 25, delete lines 29 to 33

Pages 77 to 79, delete sections 72 to 74

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the Beard et al amendment and the roll was called. There were 44 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Anderson, S.	Dettmer	Hackbarth	Lanning	Ruth	Wardlow
Beard	Eastlund	Hamilton	Magnus	Seifert	Wolti
Berns	Emmer	Heidgerken	Mahoney	Shimanski	Westrom
Brod	Erickson	Holberg	Marquart	Simpson	Zellers
Buesgens	Finstad	Hoppe	McFarlane	Smith	
Dean	Garofalo	Huntley	Nornes	Sviggum	
DeLaForest	Gottwalt	Juhnke	Paulsen	Tingelstad	
Demmer	Gunther	Kohls	Peppin	Urdahl	

Those who voted in the negative were:

Abeler	Dominguez	Hosch	Loeffler	Otremba	Slocum
Anderson, B.	Doty	Howes	Madore	Ozment	Solberg
Anzelc	Eken	Jaros	Mariani	Paymar	Swails
Atkins	Erhardt	Johnson	Masin	Pelowski	Thao
Benson	Faust	Kahn	McNamara	Peterson, A.	Thissen
Bigham	Fritz	Kalin	Moe	Peterson, N.	Tillberry
Brown	Gardner	Knuth	Morgan	Peterson, S.	Tschumper
Brynaert	Greiling	Koenen	Morrow	Poppe	Wagenius
Bunn	Hansen	Kranz	Mullery	Rukavina	Walker
Carlson	Hausman	Laine	Murphy, E.	Ruud	Ward
Clark	Haws	Lenczewski	Murphy, M.	Sailer	Winkler
Cornish	Hilstrom	Lesch	Nelson	Scalze	Wollschlager
Davnie	Hilty	Liebling	Norton	Sertich	Spk. Kelliher
Dill	Hornstein	Lieder	Olin	Simon	
Dittrich	Hortman	Lillie	Olson	Slawik	

The motion did not prevail and the amendment was not adopted.

Westrom moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 108, line 28, delete "250,000" and insert "100,000"

Page 108, line 29, delete "100,000" and insert "50,000"

Page 111, line 6, delete "100,000" and insert "50,000"

Page 111, line 31, delete "250,000" and insert "100,000"

Page 111, line 32, delete "100,000" and insert "50,000"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Westrom amendment and the roll was called. There were 62 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Finstad	Knuth	Morgan	Sviggum
Anderson, B.	Dean	Gardner	Koenen	Morrow	Tingelstad
Anderson, S.	DeLaForest	Garofalo	Kohls	Nornes	Urdahl
Beard	Demmer	Gottwalt	Kranz	Olson	Wardlow
Berns	Dettmer	Gunther	Lanning	Paulsen	Westrom
Bly	Dittrich	Hackbarth	Loeffler	Peppin	Winkler
Brod	Doty	Hamilton	Madore	Peterson, S.	Zellers
Brynaert	Eastlund	Heidgerken	Magnus	Ruth	
Buesgens	Emmer	Holberg	Masin	Seifert	
Bunn	Erickson	Hoppe	McFarlane	Shimanski	
Cornish	Faust	Howes	McNamara	Simpson	

Those who voted in the negative were:

Anzelc	Greiling	Juhnke	Moe	Peterson, N.	Swails
Atkins	Hansen	Kahn	Mullery	Poppe	Thao
Benson	Hausman	Kalin	Murphy, E.	Rukavina	Thissen
Bigham	Haws	Laine	Murphy, M.	Ruud	Tillberry
Brown	Hilstrom	Lenczewski	Nelson	Sailer	Tschumper
Carlson	Hilty	Lesch	Norton	Scalze	Wagenius
Clark	Hornstein	Liebling	Olin	Sertich	Walker
Dill	Hortman	Lieder	Otremba	Simon	Ward
Dominguez	Hosch	Lillie	Ozment	Slawik	Welti
Eken	Huntley	Mahoney	Paymar	Slocum	Wollschlager
Erhardt	Jaros	Mariani	Pelowski	Smith	Spk. Kelliher
Fritz	Johnson	Marquart	Peterson, A.	Solberg	

The motion did not prevail and the amendment was not adopted.

Rukavina, Dill and Sertich moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 125, after line 31, insert:

"Sec. 42. Minnesota Statutes 2006, section 72A.201, subdivision 6, is amended to read:

Subd. 6. **Standards for automobile insurance claims handling, settlement offers, and agreements.** In addition to the acts specified in subdivisions 4, 5, 7, 8, and 9, the following acts by an insurer, adjuster, or a self-insured or self-insurance administrator constitute unfair settlement practices:

(1) if an automobile insurance policy provides for the adjustment and settlement of an automobile total loss on the basis of actual cash value or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) comparable and available replacement automobile, with all applicable taxes, license fees, at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to the transfer or evidence of ownership of the automobile paid, at no cost to the insured other than the deductible amount as provided in the policy;

(b) a cash settlement based upon the actual cost of purchase of a comparable automobile, including all applicable taxes, license fees, at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to transfer of evidence of ownership, less the deductible amount as provided in the policy. The costs must be determined by:

(i) the cost of a comparable automobile, adjusted for mileage, condition, and options, in the local market area of the insured, if such an automobile is available in that area; or

(ii) one of two or more quotations obtained from two or more qualified sources located within the local market area when a comparable automobile is not available in the local market area. The insured shall be provided the information contained in all quotations prior to settlement; or

(iii) any settlement or offer of settlement which deviates from the procedure above must be documented and justified in detail. The basis for the settlement or offer of settlement must be explained to the insured;

(2) if an automobile insurance policy provides for the adjustment and settlement of an automobile partial loss on the basis of repair or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) to assume all costs, including reasonable towing costs, for the satisfactory repair of the motor vehicle. Satisfactory repair includes repair of both obvious and hidden damage as caused by the claim incident. This assumption of cost may be reduced by applicable policy provision; or

(b) to offer a cash settlement sufficient to pay for satisfactory repair of the vehicle. Satisfactory repair includes repair of obvious and hidden damage caused by the claim incident, and includes reasonable towing costs;

(3) regardless of whether the loss was total or partial, in the event that a damaged vehicle of an insured cannot be safely driven, failing to exercise the right to inspect automobile damage prior to repair within five business days following receipt of notification of claim. In other cases the inspection must be made in 15 days;

(4) regardless of whether the loss was total or partial, requiring unreasonable travel of a claimant or insured to inspect a replacement automobile, to obtain a repair estimate, to allow an insurer to inspect a repair estimate, to allow an insurer to inspect repairs made pursuant to policy requirements, or to have the automobile repaired;

(5) regardless of whether the loss was total or partial, if loss of use coverage exists under the insurance policy, failing to notify an insured at the time of the insurer's acknowledgment of claim, or sooner if inquiry is made, of the fact of the coverage, including the policy terms and conditions affecting the coverage and the manner in which the insured can apply for this coverage;

(6) regardless of whether the loss was total or partial, failing to include the insured's deductible in the insurer's demands under its subrogation rights. Subrogation recovery must be shared at least on a proportionate basis with the insured, unless the deductible amount has been otherwise recovered by the insured, except that when an insurer is recovering directly from an uninsured third party by means of installments, the insured must receive the full deductible share as soon as that amount is collected and before any part of the total recovery is applied to any other use. No deduction for expenses may be made from the deductible recovery unless an attorney is retained to collect the recovery, in which case deduction may be made only for a pro rata share of the cost of retaining the attorney. An insured is not bound by any settlement of its insurer's subrogation claim with respect to the deductible amount, unless the insured receives, as a result of the subrogation settlement, the full amount of the deductible. Recovery by the insurer and receipt by the insured of less than all of the insured's deductible amount does not affect the insured's rights to recover any unreimbursed portion of the deductible from parties liable for the loss;

(7) requiring as a condition of payment of a claim that repairs to any damaged vehicle must be made by a particular contractor or repair shop or that parts, other than window glass, must be replaced with parts other than original equipment parts or engaging in any act or practice of intimidation, coercion, threat, incentive, or inducement for or against an insured to use a particular contractor or repair shop. Consumer benefits included within preferred vendor programs must not be considered an incentive or inducement. At the time a claim is reported, the insurer must provide the following advisory to the insured or claimant:

"You have the legal right to choose a repair shop to fix your vehicle. Your policy will cover the reasonable costs of repairing your vehicle to its pre-accident condition no matter where you have repairs made. Have you selected a repair shop or would you like a referral?"

After an insured has indicated that the insured has selected a repair shop, the insurer must cease all efforts to influence the insured's or claimant's choice of repair shop;

(8) where liability is reasonably clear, failing to inform the claimant in an automobile property damage liability claim that the claimant may have a claim for loss of use of the vehicle;

(9) failing to make a good faith assignment of comparative negligence percentages in ascertaining the issue of liability;

(10) failing to pay any interest required by statute on overdue payment for an automobile personal injury protection claim;

(11) if an automobile insurance policy contains either or both of the time limitation provisions as permitted by section 65B.55, subdivisions 1 and 2, failing to notify the insured in writing of those limitations at least 60 days prior to the expiration of that time limitation;

(12) if an insurer chooses to have an insured examined as permitted by section 65B.56, subdivision 1, failing to notify the insured of all of the insured's rights and obligations under that statute, including the right to request, in writing, and to receive a copy of the report of the examination;

(13) failing to provide, to an insured who has submitted a claim for benefits described in section 65B.44, a complete copy of the insurer's claim file on the insured, excluding internal company memoranda, all materials that relate to any insurance fraud investigation, materials that constitute attorney work-product or that qualify for the attorney-client privilege, and medical reviews that are subject to section 145.64, within ten business days of receiving a written request from the insured. The insurer may charge the insured a reasonable copying fee. This clause supersedes any inconsistent provisions of sections 72A.49 to 72A.505;

(14) if an automobile policy provides for the adjustment or settlement of an automobile loss due to damaged window glass, failing to provide payment to the insured's chosen vendor based on a fair, competitive price that is fair and reasonable within the local industry at large.

~~Where facts establish that a different rate in a specific geographic area actually served by the vendor is required by that market, that geographic area must be considered. For purposes of this clause, a price determined at the highest agreed upon price that the insurer pays to vendors that the insurer recommends and whose business is located in or within 50 miles of the insured's city of residence or a price based upon the highest agreed upon price paid in a city of the same class size as the insured's city of residence as defined in section 410.01 shall be deemed a fair, competitive price.~~ This clause does not prohibit an insurer from recommending a vendor to the insured or from agreeing with a vendor to perform work at an agreed-upon price, provided, however, that before recommending a vendor, the insurer shall offer its insured the opportunity to choose the vendor. If the insurer recommends a vendor, the insurer must also provide the following advisory:

"Minnesota law gives you the right to go to any glass vendor you choose, and prohibits me from pressuring you to choose a particular vendor.";

(15) requiring that the repair or replacement of motor vehicle glass and related products and services be made in a particular place or shop or by a particular entity, or by otherwise limiting the ability of the insured to select the place, shop, or entity to repair or replace the motor vehicle glass and related products and services; or

(16) engaging in any act or practice of intimidation, coercion, threat, incentive, or inducement for or against an insured to use a particular company or location to provide the motor vehicle glass repair or replacement services or products. For purposes of this section, a warranty shall not be considered an inducement or incentive."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Pelowski to the Chair.

Emmer moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 125, after line 31, insert:

"Sec. 42. Minnesota Statutes 2006, section 65B.54, is amended by adding a subdivision to read:

Subd. 7. **Balance billing by health care providers prohibited.** (a) This subdivision applies to charges for medical expense benefits as defined in section 65B.44, subdivision 2, to the extent that a reparation obligor has rejected them under subdivision 5 on the basis that the health care was not medically necessary or on the basis that the charges exceed the usual and customary rate.

(b) If a reparation obligor rejects, in whole or in part, a claim for health care provided to the claimant by a health care provider, for reasons specified in paragraph (a), the claimant is not obligated to pay the health care provider for the rejected charges.

(c) The health care provider shall not bill the claimant for those charges or otherwise attempt to collect them from the claimant after they have been rejected by the insurer.

(d) A health care provider whose charges are rejected, in whole or in part, under this section by a reparation obligor, is the party at interest and has standing to commence and pursue a claim for payment as a claimant against the reparation obligor in an arbitration proceeding under section 65B.525. In such a proceeding, the insured may be required to attend the arbitration proceeding by either the reparation obligor or the health care provider, subject to the conditions provided in section 65B.56, subdivision 2.

(e) A health care provider shall not require an insured to waive any provision of this section, and any such attempted waiver is void and unenforceable."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 47 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Garofalo	Kohls	Olson	Simpson
Anderson, S.	Demmer	Gottwalt	Kranz	Ozment	Smith
Beard	Dettmer	Gunther	Lanning	Paulsen	Sviggum
Berns	Eastlund	Hackbarth	Magnus	Peppin	Wardlow
Brod	Emmer	Hamilton	Masin	Ruth	Westrom
Buesgens	Erickson	Holberg	McFarlane	Seifert	Winkler
Cornish	Faust	Hoppe	McNamara	Shimanski	Zellers
Dean	Finstad	Howes	Nornes	Simon	

Those who voted in the negative were:

Abeler	Eken	Huntley	Loeffler	Otremba	Solberg
Anzelc	Erhardt	Jaros	Madore	Paymar	Swails
Atkins	Fritz	Johnson	Mahoney	Pelowski	Thao
Bigham	Gardner	Juhnke	Mariani	Peterson, A.	Thissen
Bly	Greiling	Kahn	Marquart	Peterson, N.	Tillberry
Brown	Hansen	Kalin	Moe	Peterson, S.	Tingelstad
Brynaert	Hausman	Knuth	Morgan	Poppe	Tschumper
Bunn	Haws	Koenen	Morrow	Rukavina	Urdahl
Carlson	Heidgerken	Laine	Mullery	Ruud	Wagenius
Davnie	Hilstrom	Lenczewski	Murphy, E.	Sailer	Walker
Dill	Hilty	Lesch	Murphy, M.	Scalze	Ward
Dittrich	Hornstein	Liebling	Nelson	Sertich	Welti
Dominguez	Hortman	Lieder	Norton	Slawik	Wollschlager
Doty	Hosch	Lillie	Olin	Slocum	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

Sviggum moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 2, delete article 1 and insert:

"ARTICLE 1

ENVIRONMENT AND NATURAL RESOURCES  
APPROPRIATIONS

Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2008" and "2009" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2008, or June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal year ending June 30, 2007, are effective the day following final enactment.

		<b><u>APPROPRIATIONS</u></b>	
		<b><u>Available for the Year</u></b>	
		<b><u>Ending June 30</u></b>	
		<b><u>2008</u></b>	<b><u>2009</u></b>
Sec. 2. <b><u>POLLUTION CONTROL AGENCY</u></b>			
Subdivision 1. <b><u>Total Appropriation</u></b>		<b><u>\$95,811,000</u></b>	<b><u>\$96,167,000</u></b>
<u>Appropriations by Fund</u>			
	<u>2008</u>	<u>2009</u>	
<u>General</u>	<u>25,022,000</u>	<u>25,111,000</u>	
<u>State Government</u>			
<u>Special Revenue</u>	<u>48,000</u>	<u>48,000</u>	
<u>Environmental</u>	<u>59,725,000</u>	<u>59,922,000</u>	
<u>Remediation</u>	<u>11,016,000</u>	<u>11,086,000</u>	
<u>The amounts that may be spent for each purpose are specified in the following subdivisions.</u>			
Subd. 2. <b><u>Water</u></b>		<b><u>37,513,000</u></b>	<b><u>37,471,000</u></b>
<u>Appropriations by Fund</u>			
<u>General</u>	<u>19,151,000</u>	<u>19,179,000</u>	













<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2008</u>	<u>2009</u>
<u>43,973,000</u>	<u>44,355,000</u>

Subd. 4. Forest ManagementAppropriations by Fund

<u>General</u>	<u>25,683,000</u>	<u>25,698,000</u>
<u>Natural Resources</u>	<u>18,033,000</u>	<u>18,393,000</u>
<u>Game and Fish</u>	<u>257,000</u>	<u>264,000</u>

\$7,217,000 the first year and \$7,217,000 the second year are for prevention, presuppression, and suppression costs of emergency firefighting and other costs incurred under Minnesota Statutes, section 88.12. If the appropriation for either year is insufficient to cover all costs of presuppression and suppression, the amount necessary to pay for these costs during the biennium is appropriated from the general fund.

By November 15 of each year, the commissioner of natural resources shall submit a report to the chairs of the house and senate committees and divisions having jurisdiction over environment and natural resources finance, identifying all firefighting costs incurred and reimbursements received in the prior fiscal year. These appropriations may not be transferred. Any reimbursement of firefighting expenditures made to the commissioner from any source other than federal mobilizations shall be deposited into the general fund.

\$18,033,000 the first year and \$18,393,000 the second year are from the forest management investment account in the natural resources fund for only the purposes specified in Minnesota Statutes, section 89.039, subdivision 2.

\$1,180,000 the first year and \$780,000 the second year are for the Forest Resources Council for implementation of the Sustainable Forest Resources Act. Of this amount, \$200,000 is available in the first year as a onetime appropriation to conduct a study of options and make recommendations to the legislature for addressing the fragmentation and parcelization of large blocks of private forest land in the state and \$200,000 is available in the first year as a onetime appropriation for the Forest Resources Research Advisory Committee under Minnesota Statutes, section 89A.08, to provide direction on research topics recommended by the Governor's Task Force on the Competitiveness of Minnesota's Primary Forest Products Industry.





<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2008</u>	<u>2009</u>
<u>60,580,000</u>	<u>62,952,000</u>

**Subd. 7. Fish and Wildlife Management**Appropriations by Fund

<u>General</u>	<u>3,463,000</u>	<u>3,513,000</u>
<u>Natural Resources</u>	<u>1,876,000</u>	<u>1,876,000</u>
<u>Game and Fish</u>	<u>55,241,000</u>	<u>56,563,000</u>

\$410,000 the first year and \$418,000 the second year are for resource population surveys in the 1837 treaty area. Of this amount, \$274,000 the first year and \$288,000 the second year are from the game and fish fund.

\$8,061,000 the first year and \$8,167,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1). Of this amount, \$575,000 the first year and \$575,000 the second year are for accelerating programs and efforts to preserve, restore, and enhance grassland/wetland complexes on public and private lands. Notwithstanding Minnesota Statutes, section 297A.94, this appropriation may be used for hunter and angler recruitment and retention and public land user facilities.

Notwithstanding Minnesota Statutes, section 84.943, \$13,000 the first year and \$13,000 the second year from the critical habitat private sector matching account may be used to publicize the critical habitat license plate match program.

\$8,000 the first year and \$8,000 the second year are appropriated from the game and fish fund for transfer to the wild turkey management account for purposes specified in Minnesota Statutes, section 97A.075, subdivision 5.

\$108,000 the first year and \$108,000 the second year are from the game and fish fund for costs associated with administering fishing contest permits.

\$132,000 the first year and \$132,000 the second year are to accelerate wildlife health programs and to prevent the spread of disease from livestock and poultry to the wildlife population. \$66,000 of this amount is permanent.

**APPROPRIATIONS**  
**Available for the Year**  
**Ending June 30**  
**2008**                      **2009**

\$575,000 the first year and \$575,000 the second year are for accelerating programs and efforts to preserve, restore, and enhance grassland/wetland complexes on public and private lands.

\$100,000 the first year and \$100,000 the second year are from the game and fish fund to expand the roadsides for wildlife program.

**Subd. 8. Ecological Services**

13,554,000

15,377,000

Appropriations by Fund

<u>General</u>	<u>5,399,000</u>	<u>5,457,000</u>
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<u>Natural Resources</u>	<u>4,273,000</u>	<u>5,969,000</u>
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<u>Game and Fish</u>	<u>3,882,000</u>	<u>3,951,000</u>
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\$1,194,000 the first year and \$1,227,000 the second year are from the nongame wildlife management account in the natural resources fund for the purpose of nongame wildlife management. Notwithstanding Minnesota Statutes, section 290.431, \$100,000 the first year and \$100,000 the second year may be used for nongame information, education, and promotion.

\$1,588,000 the first year and \$1,588,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1).

\$710,000 the first year and \$2,050,000 the second year are from the invasive species account and \$75,000 the first year and \$400,000 the second year are from the game and fish fund for law enforcement and water access inspection to prevent the spread of invasive species, grants to manage invasive plants in public waters, and management of terrestrial invasive species on state-administered lands.

\$85,000 the first year and \$85,000 the second year are a onetime appropriation for the purpose of addressing surface and groundwater issues related to the development and expansion of ethanol production.

\$810,000 the first year and \$810,000 the second year are to support the identification of impaired waters and develop plans to address those impairments, as required by the federal Clean Water Act.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2008</u>	<u>2009</u>
<u>30,221,000</u>	<u>30,897,000</u>

Subd. 9. EnforcementAppropriations by Fund

<u>General</u>	<u>3,536,000</u>	<u>3,592,000</u>
<u>Natural Resources</u>	<u>7,163,000</u>	<u>7,320,000</u>
<u>Game and Fish</u>	<u>19,422,000</u>	<u>19,885,000</u>
<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>

\$1,082,000 the first year and \$1,082,000 the second year are from the water recreation account in the natural resources fund for grants to counties for boat and water safety.

\$100,000 the first year and \$100,000 the second year are from the remediation fund for solid waste enforcement activities under Minnesota Statutes, section 116.073.

\$315,000 the first year and \$315,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for grants to local law enforcement agencies for snowmobile enforcement activities.

\$1,164,000 the first year and \$1,164,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1).

\$225,000 the first year and \$225,000 the second year are from the natural resources fund for grants to county law enforcement agencies for off-highway vehicle enforcement and public education activities based on off-highway vehicle use in the county. Of this amount, \$213,000 each year is from the all-terrain vehicle account, \$11,000 each year is from the off-highway motorcycle account, and \$1,000 each year is from the off-road vehicle account. The county enforcement agencies may use money received under this appropriation to make grants to other local enforcement agencies within the county that have a high concentration of off-highway vehicle use. Of this appropriation, \$25,000 each year is for administration of these grants.







	<u>APPROPRIATIONS</u> <u>Available for the Year</u> <u>Ending June 30</u>	
	<u>2008</u>	<u>2009</u>
Sec. 5. <u>METROPOLITAN COUNCIL</u>	<u>\$7,870,000</u>	<u>\$7,870,000</u>

Appropriations by Fund

	<u>2008</u>	<u>2009</u>
<u>General</u>	<u>3,300,000</u>	<u>3,300,000</u>
<u>Natural Resources</u>	<u>4,570,000</u>	<u>4,570,000</u>

\$3,300,000 the first year and \$3,300,000 the second year are for metropolitan area regional parks maintenance and operations.

\$4,570,000 the first year and \$4,570,000 the second year are from the natural resources fund for metropolitan area regional parks and trails maintenance and operations. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (3).

Sec. 6. <u>MINNESOTA CONSERVATION CORPS</u>	<u>\$840,000</u>	<u>\$840,000</u>
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Appropriations by Fund

	<u>2008</u>	<u>2009</u>
<u>General</u>	<u>350,000</u>	<u>350,000</u>
<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

The Minnesota Conservation Corps may receive money appropriated from the natural resources fund under this section only as provided in an agreement with the commissioner of natural resources."

Page 33, delete article 2 and insert:

"ARTICLE 2

ENVIRONMENT AND NATURAL RESOURCES POLICY

Section 1. Minnesota Statutes 2006, section 16A.531, subdivision 1a, is amended to read:

Subd. 1a. **Revenues.** The following revenues must be deposited in the environmental fund:

(1) all revenue from the motor vehicle transfer fee imposed under section 115A.908;

- (2) all fees collected under section 116.07, subdivision 4d;
- (3) all money collected by the Pollution Control Agency in enforcement matters as provided in section 115.073;
- (4) all revenues from license fees for individual sewage treatment systems under section 115.56;
- (5) all loan repayments deposited under section 115A.0716;
- (6) all revenue from pollution prevention fees imposed under section 115D.12;
- (7) all loan repayments deposited under section 116.994;
- (8) all fees collected under section 116C.834;
- (9) revenue collected from the solid waste management tax pursuant to chapter 297H;
- (10) fees collected under section 473.844; ~~and~~
- (11) interest accrued on the fund; and
- (12) money received in the form of gifts, grants, reimbursement, or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants.

Sec. 2. Minnesota Statutes 2006, section 84.025, subdivision 9, is amended to read:

Subd. 9. **Professional services support account.** The commissioner of natural resources may bill the various programs carried out by the commissioner for the costs of providing them with professional support services. Except as provided under section 89.421, receipts must be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

The commissioner of natural resources shall submit to the commissioner of finance before the start of each fiscal year a work plan showing the estimated work to be done during the coming year, the estimated cost of doing the work, and the positions and fees that will be necessary. This account is exempted from statewide and agency indirect cost payments.

Sec. 3. Minnesota Statutes 2006, section 84.026, subdivision 1, is amended to read:

Subdivision 1. **Contracts.** The commissioner of natural resources is authorized to enter into contractual agreements with any public or private entity for the provision of statutorily prescribed natural resources services by the department. The contracts shall specify the services to be provided. Except as provided under section 89.421, funds generated in a contractual agreement made pursuant to this section shall be deposited in the special revenue fund and are appropriated to the department for purposes of providing the services specified in the contracts. The commissioner shall report revenues collected and expenditures made under this subdivision to the chairs of the Committees on Ways and Means in the house and Finance in the senate by January 1 of each odd-numbered year.

Sec. 4. Minnesota Statutes 2006, section 84.0855, subdivision 1, is amended to read:

Subdivision 1. **Sales authorized; gift certificates.** The commissioner may sell natural resources-related publications and maps; forest resource assessment products; federal migratory waterfowl, junior duck, and other federal stamps; and other nature-related merchandise, and may rent or sell items for the convenience of persons using Department of Natural Resources facilities or services. The commissioner may sell gift certificates for any

items rented or sold. Notwithstanding section 16A.1285, a fee charged by the commissioner under this section may include a reasonable amount in excess of the actual cost to support Department of Natural Resources programs. The commissioner may advertise the availability of a program or item offered under this section.

Sec. 5. Minnesota Statutes 2006, section 84.0855, subdivision 2, is amended to read:

Subd. 2. **Receipts; appropriation.** Except as provided under section 89.421, money received by the commissioner under this section or to buy supplies for the use of volunteers, may be credited to one or more special accounts in the state treasury and is appropriated to the commissioner for the purposes for which the money was received. Money received from sales at the state fair shall be available for state fair related costs. Money received from sales of intellectual property and software products or services shall be available for development, maintenance, and support of software products and systems.

Sec. 6. Minnesota Statutes 2006, section 84.780, is amended to read:

#### **84.780 OFF-HIGHWAY VEHICLE DAMAGE ACCOUNT.**

(a) ~~The off-highway vehicle damage account is created in the natural resources fund. Money in the off-highway vehicle damage account is appropriated to the commissioner of natural resources for the repair or restoration of property damaged by the operation of off-highway vehicles in an unpermitted illegal area after August 1, 2003, and for the costs of administration for this section. Before the commissioner may make a payment from this account, the commissioner must determine whether the damage to the property was caused by the unpermitted illegal use of off-highway vehicles, that the applicant has made reasonable efforts to identify the responsible individual and obtain payment from the individual, and that the applicant has made reasonable efforts to prevent reoccurrence. ~~By June 30, 2008, the commissioner of finance must transfer the remaining balance in the account to the off-highway motorcycle account under section 84.794, the off road vehicle account under section 84.803, and the all terrain vehicle account under section 84.927. The amount transferred to each account must be proportionate to the amounts received in the damage account from the relevant off highway vehicle accounts.~~~~

(b) Determinations of the commissioner under this section may be made by written order and are exempt from the rulemaking provisions of chapter 14. Section 14.386 does not apply.

(c) ~~This section expires July 1, 2008~~ These funds are available until expended.

#### **Sec. 7. 84.9011 OFF-HIGHWAY VEHICLE SAFETY AND CONSERVATION PROGRAM.**

Subdivision 1. **Creation.** The commissioner of natural resources shall establish a program to promote the safe and responsible operation of off-highway vehicles in a manner that does not harm the environment. The commissioner shall coordinate the program through the regional offices of the Department of Natural Resources.

Subd. 2. **Purpose.** The purpose of the program is to encourage off-highway vehicle clubs to assist, on a volunteer basis, in improving, maintaining, and monitoring of trails on state forest land and other public lands.

Subd. 3. **Agreements.** (a) The commissioner shall enter into informal agreements with off-highway vehicle clubs for volunteer services to maintain, make improvements to, and monitor trails on state forest land and other public lands. The off-highway vehicle clubs shall promote the operation of off-highway vehicles in a safe and responsible manner that complies with the laws and rules that relate to the operation of off-highway vehicles.

(b) The off-highway vehicle clubs may provide assistance to the department in locating, recruiting, and training instructors for off-highway vehicle training programs.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the safety and conservation program.

Subd. 4. **Worker displacement prohibited.** The commissioner may not enter into any agreement that has the purpose of or results in the displacement of public employees by volunteers participating in the off-highway safety and conservation program under this section. The commissioner must certify to the appropriate bargaining agent that the work performed by a volunteer will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits.

Sec. 8. Minnesota Statutes 2006, section 84.927, subdivision 2, is amended to read:

Subd. 2. **Purposes.** Subject to appropriation by the legislature, money in the all-terrain vehicle account may only be spent for:

- (1) the education and training program under section 84.925;
- (2) administration, enforcement, and implementation of sections 84.773 to 84.929;
- (3) acquisition, maintenance, and development of vehicle trails and use areas;
- (4) grant-in-aid programs to counties and municipalities to construct and maintain all-terrain vehicle trails and use areas;
- (5) grants-in-aid to local safety programs; ~~and~~
- (6) enforcement and public education grants to local law enforcement agencies; ~~and~~
- (7) maintenance of minimum-maintenance forest roads according to section 89.71, subdivision 5, and county forest roads within state forest boundaries as defined under section 89.021.

The distribution of funds made available through grant-in-aid programs must be guided by the statewide comprehensive outdoor recreation plan.

Sec. 9. Minnesota Statutes 2006, section 84D.13, subdivision 7, is amended to read:

Subd. 7. **Satisfaction of civil penalties.** A civil penalty is due and a watercraft license suspension is effective 30 days after issuance of the civil citation. A civil penalty collected under this section is payable to the commissioner and must be credited to the ~~water recreation account~~ invasive species account.

Sec. 10. **[84D.15] INVASIVE SPECIES ACCOUNT.**

Subdivision 1. **Creation.** The invasive species account is created in the state treasury in the natural resources fund.

Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under section 86B.415, subdivision 7, and licenses for trailers with a gross vehicle weight of 3,000 pounds or less and towed recreational vehicles under section 168.013, subdivisions 1d and 1g, shall be deposited in the invasive species account. Each year, the commissioner of finance shall transfer from the game and fish fund to the invasive species account, the annual surcharge collected on nonresident fishing licenses under section 97A.475, subdivision 7, paragraph (b).

Subd. 3. **Use of money in account.** Money credited to the invasive species account in subdivision 2 shall be used for management of invasive species and implementation of this chapter as it pertains to aquatic invasive species, including control, public awareness, law enforcement, assessment and monitoring, management planning, and research.

Sec. 11. Minnesota Statutes 2006, section 86B.706, subdivision 2, is amended to read:

Subd. 2. **Money deposited in account.** The following shall be deposited in the state treasury and credited to the water recreation account:

- (1) fees ~~and surcharges~~ from titling and licensing of watercraft under this chapter;
- (2) fines, installment payments, and forfeited bail according to section 86B.705, subdivision 2;
- (3) ~~civil penalties according to section 84D.13;~~
- (4) mooring fees and receipts from the sale of marine gas at state-operated or state-assisted small craft harbors and mooring facilities according to section 86A.21;
- (5) ~~(4)~~ the unrefunded gasoline tax attributable to watercraft use under section 296A.18; and
- (6) ~~(5)~~ fees for permits issued to control or harvest aquatic plants other than wild rice under section 103G.615, subdivision 2.

Sec. 12. Minnesota Statutes 2006, section 88.642, subdivision 1, is amended to read:

Subdivision 1. **Written consent.** No person shall cut, harvest, remove, transport, or possess for decorative purposes or for sale more than three decorative trees, more than ~~400~~ 25 pounds of decorative boughs, or more than ~~400~~ 25 pounds of any other decorative materials without the written consent of the owner or authorized agent of the private or public land on which the decorative materials were cut or harvested. The written consent shall be on a form furnished or otherwise approved by the commissioner of natural resources and shall contain the legal description of the land where the decorative materials were cut or harvested, as well as the name of the legal owner of the land or the owner's authorized agent. The written consent must be carried by every person cutting, harvesting, removing, possessing, or transporting any decorative materials, or in any way aiding therein, and must be exhibited to any officer at the officer's request at any time.

Sec. 13. Minnesota Statutes 2006, section 88.6435, subdivision 1, is amended to read:

Subdivision 1. **Permits.** A person may not buy more than ~~400~~ 25 pounds of decorative boughs in any calendar year without a bough buyer's permit issued by the commissioner of natural resources. ~~The annual fee for a permit for a resident or nonresident to buy decorative boughs is \$25. The annual fee may be reduced to \$10 if the buyer attends an approved annual workshop or other orientation session for balsam bough harvesters and buyers. The commissioner shall charge a fee for the permit that covers the commissioner's cost of issuing the permit. A permit may not be granted until the permit holder has completed a presale conference with the state appraiser designated to supervise the cutting.~~

Sec. 14. Minnesota Statutes 2006, section 89.22, subdivision 2, is amended to read:

Subd. 2. **Receipts to ~~natural resources~~ special revenue fund.** Fees collected under subdivision 1 shall be credited to ~~a forest land use account in the natural resources fund~~ the special revenue fund and are annually appropriated to the commissioner to recoup the costs of developing, operating, and maintaining facilities necessary for the specified uses in subdivision 1 or to prevent or mitigate resource impacts of those uses.

**EFFECTIVE DATE.** This section is effective July 1, 2007, and applies to fees collected according to Minnesota Statutes, section 89.22, subdivision 1, after August 1, 2006.

Sec. 15. **[89.421] FOREST RESOURCE ASSESSMENT PRODUCTS AND SERVICES ACCOUNT.**

**Subdivision 1. Creation.** The forest resource assessment products and services account is created in the state treasury in the natural resources fund.

**Subd. 2. Receipts.** Money received from forest resource assessment product sales and services provided by the commissioner under sections 84.025, subdivision 9; 84.026; and 84.0855 shall be credited to the forest resource assessment products and services account. Forest resource assessment products and services include the sale of aerial photography, remote sensing, and satellite imagery products and services.

**Subd. 3. Use of money in account.** Money credited to the forest resource assessment products and services account under subdivision 2 is annually appropriated to the commissioner and shall be used to maintain the staff and facilities producing the aerial photography, remote sensing, and satellite imagery products and services.

Sec. 16. Minnesota Statutes 2006, section 97A.071, subdivision 2, is amended to read:

Subd. 2. **Revenue from small game license surcharge and lifetime licenses.** Revenue from the small game surcharge and \$6.50 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under sections 97A.473, subdivisions 3 and 5, and 97A.474, subdivision 3, shall be credited to the wildlife acquisition account ~~and~~ The money in the account is appropriated to the commissioner and shall be used by the commissioner only for the purposes of this section, and acquisition and development of wildlife lands under section 97A.145 and maintenance of the lands, in accordance with appropriations made by the legislature.

Sec. 17. Minnesota Statutes 2006, section 97A.075, is amended to read:

**97A.075 USE OF LICENSE REVENUES.**

Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4), (5), (9), (11), (13), and (14), and 3, clauses (2), (3), and (7), and licenses issued under section 97B.301, subdivision 4.

(b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer management account. Money in the account is appropriated to the commissioner and shall be used for deer habitat improvement or deer management programs.

(c) \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer and bear management account. Money in the account is appropriated to the commissioner and shall be used for deer and bear management programs, including a computerized licensing system.

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild cervidae health management account and is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first time, \$750,000 is canceled to the unappropriated balance of the game and fish fund. The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for emergency deer feeding and wild cervidae health management has been spent.

Thereafter, when the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear management programs and computerized licensing.

**Subd. 2. Minnesota migratory waterfowl stamp.** (a) Ninety percent of the revenue from the Minnesota migratory waterfowl stamps must be credited to the waterfowl habitat improvement account. Money in the account is appropriated to the commissioner and may be used only for:

(1) development of wetlands and lakes in the state and designated waterfowl management lakes for maximum migratory waterfowl production including habitat evaluation, the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites and facilities necessary for development and management of existing migratory waterfowl habitat and the designation of waters under section 97A.101;

(2) management of migratory waterfowl;

(3) development, restoration, maintenance, or preservation of migratory waterfowl habitat;

(4) acquisition of and access to structure sites; and

(5) the promotion of waterfowl habitat development and maintenance, including promotion and evaluation of government farm program benefits for waterfowl habitat.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), clause (1), (3), (4), or (5), or to specific management activities under paragraph (a), clause (2).

**Subd. 3. Trout and salmon stamp.** (a) Ninety percent of the revenue from trout and salmon stamps must be credited to the trout and salmon management account. Money in the account is appropriated to the commissioner and may be used only for:

(1) the development, restoration, maintenance, improvement, protection, and preservation of habitat for trout and salmon in trout streams and lakes, including, but not limited to, evaluating habitat; stabilizing eroding stream banks; adding fish cover; modifying stream channels; managing vegetation to protect, shade, or reduce runoff on stream banks; and purchasing equipment to accomplish these tasks;

(2) rearing trout and salmon, including utility and service costs associated with coldwater hatchery buildings and systems; stocking trout and salmon in streams and lakes and Lake Superior; and monitoring and evaluating stocked trout and salmon;

(3) acquisition of easements and fee title along trout waters;

(4) identifying easement and fee title areas along trout waters; and

(5) research and special management projects on trout streams, trout lakes, and Lake Superior and portions of its tributaries.

(b) Money in the account may not be used for costs unless they are directly related to a specific parcel of land or body of water under paragraph (a), to specific fish rearing activities under paragraph (a), clause (2), or for costs associated with supplies and equipment to implement trout and salmon management activities under paragraph (a).

Subd. 4. **Pheasant stamp.** (a) Ninety percent of the revenue from pheasant stamps must be credited to the pheasant habitat improvement account. Money in the account is appropriated to the commissioner and may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for ringnecked pheasants on public and private land including the establishment of nesting cover, winter cover, and reliable food sources;

(2) reimbursement of landowners for setting aside lands for pheasant habitat;

(3) reimbursement of expenditures to provide pheasant habitat on public and private land;

(4) the promotion of pheasant habitat development and maintenance, including promotion and evaluation of government farm program benefits for pheasant habitat; and

(5) the acquisition of lands suitable for pheasant habitat management and public hunting.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clause (1), (3), or (5), or to specific promotional or evaluative activities under paragraph (a), clause (4); or

(2) any personnel costs, except that prior to July 1, 2009, personnel may be hired to provide technical and promotional assistance for private landowners to implement conservation provisions of state and federal programs.

Subd. 5. **Turkey stamps.** (a) Ninety percent of the revenue from turkey stamps must be credited to the wild turkey management account. Money in the account is appropriated to the commissioner and may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for wild turkeys on public and private land including forest stand improvement and establishment of nesting cover, winter roost area, and reliable food sources;

(2) acquisitions of, or easements on, critical wild turkey habitat;

(3) reimbursement of expenditures to provide wild turkey habitat on public and private land;

(4) trapping and transplantation of wild turkeys; and

(5) the promotion of turkey habitat development and maintenance, population surveys and monitoring, and research.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4), or to specific promotional or evaluative activities under paragraph (a), clause (5); or

(2) any permanent personnel costs.

Sec. 18. Minnesota Statutes 2006, section 97C.081, subdivision 3, is amended to read:

Subd. 3. **Contests requiring a permit.** (a) A person must have a permit from the commissioner to conduct a fishing contest that does not meet the criteria in subdivision 2. Permits shall be issued without a fee. The commissioner shall charge a fee for the permit that recovers the costs of issuing the permit and of monitoring the activities allowed by the permit. Receipts collected from this fee shall be credited to the game and fish fund. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish contest permit fees. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(b) If entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and if the applicant has either:

(1) not previously conducted a fishing contest requiring a permit under this subdivision; or

(2) ever failed to make required prize awards in a fishing contest conducted by the applicant, the commissioner may require the applicant to furnish the commissioner evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000.

Sec. 19. Minnesota Statutes 2006, section 296A.18, subdivision 4, is amended to read:

Subd. 4. **All-terrain vehicle.** Approximately ~~0.15~~ 0.27 of one percent of all gasoline received in or produced or brought into this state, except gasoline used for aviation purposes, is being used for the operation of all-terrain vehicles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax, ~~0.15~~ 0.27 of one percent is the amount of tax on fuel used in all-terrain vehicles operated in this state.

Sec. 20. Laws 2003, chapter 128, article 1, section 169, is amended to read:

Sec. 169. **CONTINUOUS TRAIL DESIGNATION.**

(a) The commissioner of natural resources shall locate, plan, design, map, construct, designate, and sign a new trail for use by all-terrain vehicles and off-highway motorcycles of not less than 70 continuous miles in length on any land owned by the state or in cooperation with any county on land owned by that county or on a combination of any of these lands. This new trail shall be ready for use by ~~April 1, 2007~~ June 30, 2009.

(b) All funding for this new trail shall come from the all-terrain vehicle dedicated account and is appropriated each year as needed.

(c) This new trail shall have at least two areas of access complete with appropriate parking for vehicles and trailers and enough room for loading and unloading all-terrain vehicles. Some existing trails, that are strictly all-terrain vehicle trails, and are not inventoried forest roads, may be incorporated into the design of this new all-terrain vehicle trail. This new trail may be of a continuous loop design and shall provide for spurs to other all-terrain vehicle trails as long as those spurs do not count toward the 70 continuous miles of this new all-terrain vehicle trail. Four rest areas shall be provided along the way.

Sec. 21. **REPEALER.**

(a) Minnesota Statutes 2006, section 89A.11, is repealed.

(b) Minnesota Statutes 2006, section 93.2236, is repealed.

**EFFECTIVE DATE.** Paragraph (a) of this section is effective July 1, 2007. Paragraph (b) of this section is effective July 1, 2008."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 44 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Gottwalt	Lanning	Peppin	Urdahl
Anderson, S.	Dettmer	Gunther	Magnus	Peterson, N.	Wardlow
Beard	Eastlund	Hackbarth	McFarlane	Ruth	Westrom
Brod	Emmer	Hamilton	McNamara	Seifert	Zellers
Buesgens	Erhardt	Holberg	Nornes	Shimanski	
Cornish	Erickson	Hoppe	Olson	Simpson	
Dean	Finstad	Howes	Ozment	Smith	
DeLaForest	Garofalo	Kohls	Paulsen	Sviggum	

Those who voted in the negative were:

Abeler	Dominguez	Hosch	Lillie	Olin	Solberg
Anzelc	Doty	Huntley	Loeffler	Otremba	Swails
Atkins	Eken	Jaros	Madore	Paymar	Thao
Benson	Faust	Johnson	Mahoney	Pelowski	Thissen
Berns	Fritz	Juhnke	Mariani	Peterson, A.	Tillberry
Bigham	Gardner	Kahn	Marquart	Peterson, S.	Tingelstad
Bly	Greiling	Kalin	Masin	Poppe	Tschumper
Brown	Hansen	Knuth	Moe	Rukavina	Wagenius
Brynaert	Hausman	Koenen	Morgan	Ruud	Walker
Bunn	Haws	Kranz	Morrow	Sailer	Ward
Carlson	Heidgerken	Laine	Mullery	Scalze	Welti
Clark	Hilstrom	Lenczewski	Murphy, E.	Sertich	Winkler
Davnie	Hilty	Lesch	Murphy, M.	Simon	Wollschlager
Dill	Hornstein	Liebling	Nelson	Slawik	Spk. Kelliher
Dittrich	Hortman	Lieder	Norton	Slocum	

The motion did not prevail and the amendment was not adopted.

Hackbarth moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 48, after line 20, insert:

"Sec. 31. Minnesota Statutes 2006, section 97A.473, subdivision 3, is amended to read:

Subd. 3. **Lifetime small game hunting license; fee.** (a) A resident lifetime small game hunting license authorizes a person to hunt and trap small game in the state. The license authorizes those hunting and trapping activities authorized by the annual resident small game hunting ~~license~~ and trapping licenses. The license does not include a turkey stamp validation or any other hunting stamps required by law.

(b) The fees for a resident lifetime small game hunting license are:

- (1) age 3 and under, \$217;
- (2) age 4 to age 15, \$290;
- (3) age 16 to age 50, \$363; and
- (4) age 51 and over, \$213.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively to licenses issued after February 28, 2001.

Sec. 32. Minnesota Statutes 2006, section 97A.473, subdivision 5, is amended to read:

Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt and trap small game in the state. The license authorizes those activities authorized by the annual resident angling ~~and~~ resident small game hunting, and resident trapping licenses. The license does not include a trout and salmon stamp validation, a turkey stamp validation, or any other hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

- (1) age 3 and under, \$357;
- (2) age 4 to age 15, \$480;
- (3) age 16 to age 50, \$613; and
- (4) age 51 and over, \$413.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively to licenses issued after February 28, 2001."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

McNamara and Hackbarth moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 36, delete section 4

Pages 47 and 48, delete section 28

Page 48, delete sections 29 and 31

Page 49, delete sections 33 and 34

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 10, delete "providing for venison donation;"

Correct the title numbers accordingly

A roll call was requested and properly seconded.

The question was taken on the McNamara and Hackbarth amendment and the roll was called. There were 61 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hackbarth	Kranz	Ozment	Solberg
Anderson, B.	Dettmer	Hamilton	Lanning	Paulsen	Sviggum
Anderson, S.	Dittrich	Haws	Magnus	Peppin	Urdahl
Beard	Eastlund	Heidgerken	McFarlane	Peterson, N.	Wardlow
Benson	Emmer	Holberg	McNamara	Ruth	Westrom
Berns	Erickson	Hoppe	Moe	Sailer	Zellers
Brod	Faust	Hosch	Morgan	Seifert	
Buesgens	Finstad	Howes	Nornes	Severson	
Cornish	Garofalo	Kalin	Norton	Shimanski	
Dean	Gottwalt	Koenen	Olin	Simpson	
DeLaForest	Gunther	Kohls	Olson	Smith	

Those who voted in the negative were:

Anzelc	Eken	Johnson	Mariani	Poppe	Tschumper
Atkins	Erhardt	Juhnke	Marquart	Rukavina	Wagenius
Bigham	Fritz	Kahn	Masin	Ruud	Walker
Bly	Gardner	Knuth	Morrow	Scalze	Ward
Brown	Greiling	Laine	Mullery	Sertich	Welti
Brynaert	Hansen	Lenczewski	Murphy, E.	Simon	Winkler
Bunn	Hausman	Lesch	Murphy, M.	Slawik	Wollschlager
Carlson	Hilstrom	Liebling	Nelson	Slocum	Spk. Kelliher
Clark	Hilty	Lieder	Otremba	Swails	
Davnie	Hornstein	Lillie	Paymar	Thao	
Dill	Hortman	Loeffler	Pelowski	Thissen	
Dominguez	Huntley	Madore	Peterson, A.	Tillberry	
Doty	Jaros	Mahoney	Peterson, S.	Tingelstad	

The motion did not prevail and the amendment was not adopted.

Zellers moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 49, delete section 32

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Zellers amendment and the roll was called. There were 40 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Garofalo	Lanning	Peppin	Sviggum
Anderson, S.	Demmer	Gottwalt	Magnus	Ruth	Urdahl
Beard	Dettmer	Gunther	McFarlane	Seifert	Wardlow
Brod	Eastlund	Hackbarth	Nornes	Severson	Westrom
Buesgens	Emmer	Hamilton	Olin	Shimanski	Zellers
Cornish	Erickson	Holberg	Olson	Simpson	
Dean	Finstad	Kohls	Paulsen	Smith	

Those who voted in the negative were:

Abeler	Doty	Hosch	Loeffler	Ozment	Swails
Anzelc	Eken	Howes	Madore	Paymar	Thao
Atkins	Erhardt	Huntley	Mahoney	Pelowski	Thissen
Benson	Faust	Jaros	Mariani	Peterson, A.	Tillberry
Berns	Fritz	Johnson	Marquart	Peterson, N.	Tingelstad
Bigham	Gardner	Juhnke	Masin	Peterson, S.	Tschumper
Bly	Greiling	Kahn	McNamara	Poppe	Wagenius
Brown	Hansen	Kalin	Moe	Rukavina	Walker
Brynaert	Hausman	Koenen	Morgan	Ruud	Ward
Bunn	Haws	Kranz	Morrow	Sailer	Welti
Carlson	Heidgerken	Laine	Mullery	Scalze	Winkler
Clark	Hilstrom	Lenczewski	Murphy, E.	Sertich	Wollschlager
Davnie	Hilty	Lesch	Murphy, M.	Simon	Spk. Kelliher
Dill	Hoppe	Liebling	Nelson	Slawik	
Dittrich	Hornstein	Lieder	Norton	Slocum	
Dominguez	Hortman	Lillie	Otremba	Solberg	

The motion did not prevail and the amendment was not adopted.

Sviggum moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 26, line 17, delete "\$3,566,000" and insert "\$4,316,000" in both places

Page 32, line 23, delete "4,050,000" and insert "3,300,000" in both places

Page 32, line 25, delete "\$4,050,000" and insert "\$3,300,000" in both places

Adjust the totals accordingly

The motion did not prevail and the amendment was not adopted.

Shimanski, Kohls, Hoppe and Juhnke moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 44, after line 6, insert:

"Sec. 22. Minnesota Statutes 2006, section 85.32, subdivision 1, is amended to read:

Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized in cooperation with local units of government and private individuals and groups when feasible to mark canoe and boating routes on the Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in Chippewa County, Long Prairie, Red River of the North, Sauk, and Otter Tail, and Crow Rivers and the North Fork of the Crow River, and the portion of the South Fork of the Crow River in Kandiyohi, McLeod, Meeker, and Wright Counties which have historic and scenic values and to mark appropriately points of interest, portages, camp sites, and all dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe and watercraft travelers."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Hackbarth moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 18, line 28, delete "on"

Page 18, line 29, delete "public lands"

Page 19, line 25, delete "on"

Page 19, line 26, delete "public lands"

A roll call was requested and properly seconded.

The question was taken on the Hackbarth amendment and the roll was called. There were 40 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Garofalo	Kohls	Ruth	Sviggum
Anderson, S.	Demmer	Gottwalt	Lanning	Seifert	Urdahl
Beard	Dettmer	Gunther	Magnus	Severson	Wardlow
Brod	Eastlund	Hackbarth	McFarlane	Shimanski	Westrom
Buesgens	Emmer	Hamilton	Nornes	Simpson	Zellers
Cornish	Erickson	Heidgerken	Olson	Smith	
Dean	Finstad	Holberg	Peppin	Solberg	

Those who voted in the negative were:

Abeler	Bigham	Carlson	Dominguez	Fritz	Haws
Anzelc	Bly	Clark	Doty	Gardner	Hilstrom
Atkins	Brown	Davnie	Eken	Greiling	Hilty
Benson	Brynaert	Dill	Erhardt	Hansen	Hoppe
Berns	Bunn	Dittrich	Faust	Hausman	Hornstein

Hortman	Kranz	Marquart	Olin	Ruud	Tingelstad
Hosch	Laine	Masin	Otremba	Sailer	Tschumper
Howes	Lenczewski	McNamara	Ozment	Scalze	Wagenius
Huntley	Lesch	Moe	Paulsen	Sertich	Walker
Jaros	Liebling	Morgan	Paymar	Simon	Ward
Johnson	Lieder	Morrow	Pelowski	Slawik	Welti
Juhnke	Lillie	Mullery	Peterson, A.	Slocum	Winkler
Kahn	Loeffler	Murphy, E.	Peterson, N.	Swails	Wollschlager
Kalin	Madore	Murphy, M.	Peterson, S.	Thao	Spk. Kelliher
Knuth	Mahoney	Nelson	Poppe	Thissen	
Koenen	Mariani	Norton	Rukavina	Tillberry	

The motion did not prevail and the amendment was not adopted.

Hackbarth moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Pages 39 and 40, delete section 12

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hackbarth amendment and the roll was called. There were 53 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Gunther	Lanning	Peppin	Solberg
Anderson, B.	Dill	Hackbarth	Magnus	Rukavina	Sviggum
Anzelc	Eastlund	Hamilton	McFarlane	Ruth	Swails
Beard	Emmer	Heidgerken	Nelson	Seifert	Urdahl
Brod	Erickson	Hilstrom	Nornes	Sertich	Wardlow
Buesgens	Faust	Holberg	Olson	Severson	Welti
Dean	Finstad	Koenen	Otremba	Shimanski	Westrom
DeLaForest	Garofalo	Kohls	Ozment	Simpson	Zellers
Demmer	Gottwalt	Kranz	Paulsen	Smith	

Those who voted in the negative were:

Anderson, S.	Clark	Greiling	Jaros	Lieder	Morrow
Atkins	Cornish	Hansen	Johnson	Lillie	Mullery
Benson	Davnie	Hausman	Juhnke	Loeffler	Murphy, E.
Berns	Dittrich	Haws	Kahn	Madore	Murphy, M.
Bigham	Dominguez	Hilty	Kalin	Mariani	Norton
Bly	Doty	Hoppe	Knuth	Marquart	Olin
Brown	Eken	Hornstein	Laine	Masin	Paymar
Brynaert	Erhardt	Hortman	Lenczewski	McNamara	Pelowski
Bunn	Fritz	Hosch	Lesch	Moe	Peterson, A.
Carlson	Gardner	Howes	Liebling	Morgan	Peterson, N.

Peterson, S.	Scalze	Thao	Tschumper	Winkler
Poppe	Simon	Thissen	Wagenius	Wollschlager
Ruud	Slawik	Tillberry	Walker	Spk. Kelliher
Sailer	Slocum	Tingelstad	Ward	

The motion did not prevail and the amendment was not adopted.

Pursuant to rule 1.50, Sertich moved that the House be allowed to continue in session after 12:00 midnight. The motion prevailed.

Buesgens moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 23, delete lines 20 to 26

Adjust the totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 46 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Gottwalt	Koenen	Peppin	Sviggum
Anderson, S.	Dettmer	Gunther	Kohls	Peterson, N.	Tingelstad
Beard	Dill	Hackbarth	Magnus	Rukavina	Urdahl
Berns	Eastlund	Hamilton	McNamara	Seifert	Wardlow
Brod	Emmer	Heidgerken	Nornes	Severson	Westrom
Buesgens	Erickson	Holberg	Olson	Shimanski	Zellers
Dean	Finstad	Hoppe	Ozment	Simpson	
DeLaForest	Garofalo	Howes	Paulsen	Smith	

Those who voted in the negative were:

Abeler	Doty	Huntley	Loeffler	Otremba	Thao
Anzelc	Eken	Jaros	Madore	Paymar	Thissen
Atkins	Erhardt	Johnson	Mahoney	Pelowski	Tillberry
Benson	Faust	Juhnke	Mariani	Peterson, A.	Tschumper
Bigham	Fritz	Kahn	Marquart	Peterson, S.	Wagenius
Bly	Gardner	Kalin	Masin	Poppe	Walker
Brown	Greiling	Knuth	McFarlane	Ruud	Ward
Brynaert	Hansen	Kranz	Moe	Sailer	Welti
Bunn	Hausman	Laine	Morgan	Scalze	Winkler
Carlson	Haws	Lanning	Morrow	Sertich	Wollschlager
Clark	Hilstrom	Lenczewski	Mullery	Simon	Spk. Kelliher
Cornish	Hilty	Lesch	Murphy, E.	Slawik	
Davnie	Hornstein	Liebling	Murphy, M.	Slocum	
Dittrich	Hortman	Lieder	Norton	Solberg	
Dominguez	Hosch	Lillie	Olin	Swails	

The motion did not prevail and the amendment was not adopted.

Sviggum moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 5, delete lines 23 to 27

Page 15, delete lines 14 to 31

Page 21, delete lines 19 to 36

Page 22, delete lines 1 to 28

Page 25, delete lines 29 to 33

Page 27, line 2, delete "\$1,200,000" and insert "\$900,000" in both places

Page 30, line 23, delete "\$650,000" and insert "\$1,493,500"

Pages 77 and 78, delete section 72

Pages 78 and 79, delete sections 73 and 74

Page 87, delete section 84

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Adjust the totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 48 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Garofalo	Hoppe	Olson	Smith
Anderson, S.	Demmer	Gottwalt	Hosch	Paulsen	Sviggum
Beard	Dettmer	Gunther	Howes	Peppin	Urdahl
Berns	Doty	Hackbarth	Kohls	Ruth	Wardlow
Brod	Eastlund	Hamilton	Lanning	Seifert	Welti
Buesgens	Emmer	Haws	Magnus	Severson	Westrom
Cornish	Erickson	Heidgerken	McFarlane	Shimanski	Wollschlager
Dean	Finstad	Holberg	Nornes	Simpson	Zellers

Those who voted in the negative were:

Abeler	Bigham	Bunn	Dill	Erhardt	Greiling
Anzelc	Bly	Carlson	Dittrich	Faust	Hansen
Atkins	Brown	Clark	Dominguez	Fritz	Hausman
Benson	Brynaert	Davnie	Eken	Gardner	Hilstrom

Hilty	Kranz	Marquart	Olin	Sailer	Tingelstad
Hornstein	Laine	Masin	Otremba	Scalze	Tschumper
Hortman	Lenczewski	McNamara	Ozment	Sertich	Wagenius
Huntley	Lesch	Moe	Paymar	Simon	Walker
Jaros	Liebling	Morgan	Pelowski	Slawik	Ward
Johnson	Lieder	Morrow	Peterson, A.	Slocum	Winkler
Juhnke	Lillie	Mullery	Peterson, N.	Solberg	Spk. Kelliher
Kahn	Loeffler	Murphy, E.	Peterson, S.	Swails	
Kalin	Madore	Murphy, M.	Poppe	Thao	
Knuth	Mahoney	Nelson	Rukavina	Thissen	
Koenen	Mariani	Norton	Ruud	Tillberry	

The motion did not prevail and the amendment was not adopted.

Demmer and Sviggum moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 13, after line 23, insert:

"\$350,000 the first year is for an agreement with Olmsted and Wabasha Counties to design and engineer the restoration of Lake Zumbro. This is a onetime appropriation and is available until June 30, 2009."

Page 32, line 23, delete "4,050,000" and insert "3,875,000" in both places

Page 32, line 25, delete "\$4,050,000" and insert "\$3,875,000" in both places

Adjust amounts accordingly

A roll call was requested and properly seconded.

The question was taken on the Demmer and Sviggum amendment and the roll was called. There were 26 yeas and 108 nays as follows:

Those who voted in the affirmative were:

Brod	Finstad	Heidgerken	Norton	Simpson	Wollschlager
Cornish	Gottwalt	Lanning	Olson	Sviggum	
Demmer	Gunther	Liebling	Ruth	Urdahl	
Eastlund	Hackbarth	Magnus	Severson	Welti	
Erhardt	Hamilton	Nornes	Shimanski	Westrom	

Those who voted in the negative were:

Abeler	Beard	Brown	Clark	Dill	Emmer
Anderson, B.	Benson	Brynaert	Davnie	Dittrich	Erickson
Anderson, S.	Berns	Buesgens	Dean	Dominguez	Faust
Anzelc	Bigham	Bunn	DeLaForest	Doty	Fritz
Atkins	Bly	Carlson	Dettmer	Eken	Gardner

Garofalo	Huntley	Lieder	Mullery	Peterson, S.	Swails
Greiling	Jaros	Lillie	Murphy, E.	Poppe	Thao
Hansen	Johnson	Loeffler	Murphy, M.	Rukavina	Thissen
Hausman	Juhnke	Madore	Nelson	Ruud	Tillberry
Haws	Kahn	Mahoney	Olin	Sailer	Tingelstad
Hilstrom	Kalin	Mariani	Otremba	Scalze	Tschumper
Hilty	Knuth	Marquart	Ozment	Seifert	Wagenius
Holberg	Koenen	Masin	Paulsen	Sertich	Walker
Hoppe	Kohls	McFarlane	Paymar	Simon	Ward
Hornstein	Kranz	McNamara	Pelowski	Slawik	Wardlow
Hortman	Laine	Moe	Peppin	Slocum	Winkler
Hosch	Lenczewski	Morgan	Peterson, A.	Smith	Zellers
Hoves	Lesch	Morrow	Peterson, N.	Solberg	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

The Speaker resumed the Chair.

Hackbarth moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 23, line 26, before the period, insert "and to enforce the use of off-road vehicle trails in Beltrami, Cass, Crow Wing, and Hubbard Counties"

Pages 39 and 40, delete section 12

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hackbarth amendment and the roll was called. There were 44 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gottwalt	Lanning	Peppin	Urdahl
Anderson, B.	Dettmer	Gunther	Magnus	Peterson, N.	Wardlow
Anderson, S.	Dill	Hackbarth	McFarlane	Ruth	Westrom
Beard	Eastlund	Hamilton	McNamara	Seifert	Zellers
Brod	Emmer	Heidgerken	Nornes	Severson	
Buesgens	Erickson	Holberg	Olson	Shimanski	
Dean	Finstad	Koenen	Ozment	Simpson	
DeLaForest	Garofalo	Kohls	Paulsen	Sviggum	

Those who voted in the negative were:

Anzelc	Berns	Brown	Carlson	Davnie	Doty
Atkins	Bigham	Brynaert	Clark	Dittrich	Eken
Benson	Bly	Bunn	Cornish	Dominguez	Erhardt

Faust	Hosch	Lesch	Morrow	Poppe	Thao
Fritz	Howes	Liebling	Mullery	Rukavina	Thissen
Gardner	Huntley	Lieder	Murphy, E.	Ruud	Tillberry
Greiling	Jaros	Lillie	Murphy, M.	Sailer	Tingelstad
Hansen	Johnson	Loeffler	Nelson	Scalze	Tschumper
Hausman	Juhnke	Madore	Norton	Sertich	Wagenius
Haws	Kahn	Mahoney	Olin	Simon	Walker
Hilstrom	Kalin	Mariani	Otremba	Slawik	Ward
Hilty	Knuth	Marquart	Paymar	Slocum	Welti
Hoppe	Kranz	Masin	Pelowski	Smith	Winkler
Hornstein	Laine	Moe	Peterson, A.	Solberg	Wollschlager
Hortman	Lenczewski	Morgan	Peterson, S.	Swails	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

DeLaForest, Howes and Hackbarth moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Pages 49 and 50, delete section 35

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the DeLaForest et al amendment and the roll was called. There were 49 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Gottwalt	Lanning	Ruth	Urdahl
Anderson, B.	Demmer	Gunther	Magnus	Sailer	Wardlow
Anderson, S.	Dettmer	Hackbarth	McFarlane	Seifert	Westrom
Beard	Eastlund	Hamilton	McNamara	Severson	Zellers
Berns	Emmer	Heidgerken	Nornes	Shimanski	
Brod	Erhardt	Holberg	Olson	Simpson	
Buesgens	Erickson	Hoppe	Paulsen	Smith	
Cornish	Finstad	Howes	Peppin	Sviggum	
Dean	Garofalo	Kohls	Peterson, N.	Tingelstad	

Those who voted in the negative were:

Anzelc	Clark	Fritz	Hortman	Knuth	Lillie
Atkins	Davnie	Gardner	Hosch	Koenen	Loeffler
Benson	Dill	Greiling	Huntley	Kranz	Madore
Bly	Dittrich	Hansen	Jaros	Laine	Mahoney
Brown	Dominguez	Hausman	Johnson	Lenczewski	Mariani
Brynaert	Doty	Haws	Juhnke	Lesch	Marquart
Bunn	Eken	Hilty	Kahn	Liebling	Masin
Carlson	Faust	Hornstein	Kalin	Lieder	Moe

Morgan	Norton	Peterson, S.	Simon	Thissen	Welti
Morrow	Olin	Poppe	Slawik	Tillberry	Winkler
Mullery	Otremba	Rukavina	Slocum	Tschumper	Wollschlager
Murphy, E.	Paymar	Ruud	Solberg	Wagenius	Spk. Kelliher
Murphy, M.	Pelowski	Scalze	Swails	Walker	
Nelson	Peterson, A.	Sertich	Thao	Ward	

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 19, delete lines 30 to 35

Page 20, delete lines 1 to 3 and insert:

"\$175,000 the first year and \$175,000 the second year are from the game and fish fund for hunter and angler recruitment and retention and public land user facilities, Minnesota Statutes, section 297A.94, notwithstanding."

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 34 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Gottwalt	Kohls	Ruth	Sviggum
Anderson, S.	Dettmer	Gunther	Magnus	Seifert	Tingelstad
Beard	Eastlund	Hackbarth	McNamara	Severson	Wardlow
Berns	Emmer	Holberg	Olson	Shimanski	Zellers
Buesgens	Erickson	Hoppe	Paulsen	Simpson	
Dean	Garofalo	Howes	Peppin	Smith	

Those who voted in the negative were:

Abeler	Demmer	Hausman	Knuth	Marquart	Ozment
Anzelc	Dill	Haws	Koenen	Masin	Paymar
Atkins	Dittrich	Heidgerken	Kranz	McFarlane	Pelowski
Benson	Dominguez	Hilstrom	Laine	Moe	Peterson, A.
Bigham	Doty	Hilty	Lanning	Morgan	Peterson, N.
Bly	Eken	Hornstein	Lenczewski	Morrow	Peterson, S.
Brod	Erhardt	Hortman	Lesch	Mullery	Poppe
Brown	Faust	Hosch	Liebling	Murphy, E.	Rukavina
Brynaert	Finstad	Huntley	Lieder	Murphy, M.	Ruud
Bunn	Fritz	Jaros	Lillie	Nelson	Sailer
Carlson	Gardner	Johnson	Loeffler	Nornes	Scalze
Clark	Greiling	Juhnke	Madore	Norton	Sertich
Cornish	Hamilton	Kahn	Mahoney	Olin	Simon
Davnie	Hansen	Kalin	Mariani	Otremba	Slawik

Slocum	Thao	Tschumper	Walker	Westrom	Spk. Kelliher
Solberg	Thissen	Urdahl	Ward	Winkler	
Swails	Tillberry	Wagenius	Welti	Wollschlager	

The motion did not prevail and the amendment was not adopted.

McNamara moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 23, line 21, after "position" delete the remainder of the line

Page 23, delete lines 22 to 26, and insert "for off-road vehicle enforcement purposes as directed by the commissioner."

A roll call was requested and properly seconded.

The question was taken on the McNamara amendment and the roll was called. There were 38 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Garofalo	Kohls	Peppin	Wardlow
Anderson, S.	Demmer	Gottwalt	Lanning	Ruth	Westrom
Beard	Dettmer	Gunther	McFarlane	Seifert	Zellers
Berns	Eastlund	Hackbarth	McNamara	Severson	
Brod	Emmer	Hamilton	Nornes	Shimanski	
Buesgens	Erickson	Holberg	Olson	Simpson	
Dean	Finstad	Hoppe	Paulsen	Sviggum	

Those who voted in the negative were:

Abeler	Doty	Howes	Loeffler	Otremba	Smith
Anzelc	Eken	Huntley	Madore	Ozment	Solberg
Atkins	Erhardt	Jaros	Magnus	Paymar	Swails
Benson	Faust	Johnson	Mahoney	Pelowski	Thao
Bigham	Fritz	Juhnke	Mariani	Peterson, A.	Thissen
Bly	Gardner	Kahn	Marquart	Peterson, N.	Tillberry
Brown	Greiling	Kalin	Masin	Peterson, S.	Tingelstad
Brynaert	Hansen	Knuth	Moe	Poppe	Tschumper
Bunn	Hausman	Koenen	Morgan	Rukavina	Urdahl
Carlson	Haws	Kranz	Morrow	Ruud	Wagenius
Clark	Heidgerken	Laine	Mullery	Sailer	Walker
Cornish	Hilstrom	Lenczewski	Murphy, E.	Scalze	Ward
Davnie	Hilty	Lesch	Murphy, M.	Sertich	Welti
Dill	Hornstein	Liebling	Nelson	Simon	Winkler
Dittrich	Hortman	Lieder	Norton	Slawik	Wollschlager
Dominguez	Hosch	Lillie	Olin	Slocum	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

Hackbarth moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Pages 67 and 68, delete section 58

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hackbarth amendment and the roll was called. There were 50 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Gunther	Kohls	Peppin	Tillberry
Anderson, B.	Doty	Hackbarth	Kranz	Rukavina	Tingelstad
Anzalc	Eastlund	Hamilton	Magnus	Ruth	Urdahl
Beard	Eken	Heidgerken	Marquart	Seifert	Westrom
Buesgens	Emmer	Holberg	Nornes	Sertich	Zellers
Dean	Erickson	Hoppe	Olin	Shimanski	
DeLaForest	Finstad	Hortman	Olson	Simpson	
Dettmer	Gardner	Juhnke	Otremba	Solberg	
Dill	Gottwalt	Koenen	Pelowski	Sviggum	

Those who voted in the negative were:

Anderson, S.	Dominguez	Jaros	Mariani	Peterson, A.	Tschumper
Atkins	Erhardt	Johnson	Masin	Peterson, N.	Wagenius
Benson	Faust	Kahn	McFarlane	Peterson, S.	Walker
Berns	Fritz	Kalin	McNamara	Poppe	Ward
Bigham	Garofalo	Knuth	Moe	Ruud	Wardlow
Bly	Greiling	Laine	Morgan	Sailer	Walti
Brod	Hansen	Lanning	Morrow	Scalze	Winkler
Brown	Hausman	Lenczewski	Mullery	Severson	Wollschlager
Brynaert	Haws	Lesch	Murphy, E.	Simon	Spk. Kelliher
Bunn	Hilstrom	Liebling	Murphy, M.	Slawik	
Carlson	Hilty	Lieder	Nelson	Slocum	
Clark	Hornstein	Lillie	Norton	Smith	
Cornish	Hosch	Loeffler	Ozment	Swails	
Davnie	Howes	Madore	Paulsen	Thao	
Demmer	Huntley	Mahoney	Paymar	Thissen	

The motion did not prevail and the amendment was not adopted.

Paulsen offered an amendment to S. F. No. 2096, the third unofficial engrossment, as amended.

## POINT OF ORDER

Solberg raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Paulsen amendment was not in order. The Speaker ruled the point of order well taken and the Paulsen amendment out of order.

Emmer moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 6, delete lines 28 to 34

Page 7, delete lines 1 and 2

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 36 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Gunther	Magnus	Severson	Zellers
Beard	Eastlund	Hackbarth	Nornes	Shimanski	
Buesgens	Emmer	Hamilton	Olson	Simpson	
Cornish	Erickson	Heidgerken	Peppin	Sviggum	
Dean	Finstad	Holberg	Peterson, N.	Urdahl	
DeLaForest	Garofalo	Hoppe	Ruth	Wardlow	
Demmer	Gottwalt	Kohls	Seifert	Westrom	

Those who voted in the negative were:

Abeler	Dominguez	Huntley	Madore	Ozment	Swails
Anderson, S.	Doty	Jaros	Mahoney	Paulsen	Thao
Anzalc	Eken	Johnson	Mariani	Paymar	Thissen
Atkins	Erhardt	Juhnke	Marquart	Pelowski	Tillberry
Benson	Faust	Kahn	Masin	Peterson, A.	Tingelstad
Berns	Fritz	Kalin	McFarlane	Peterson, S.	Tschumper
Bigham	Gardner	Knuth	McNamara	Poppe	Wagenius
Bly	Greiling	Koenen	Moe	Rukavina	Walker
Brod	Hansen	Kranz	Morgan	Ruud	Ward
Brown	Hausman	Laine	Morrow	Sailer	Welti
Brynaert	Haws	Lanning	Mullery	Scalze	Winkler
Bunn	Hilstrom	Lenczewski	Murphy, E.	Sertich	Wollschlager
Carlson	Hilty	Lesch	Murphy, M.	Simon	Spk. Kelliher
Clark	Hornstein	Liebling	Nelson	Slawik	
Davnie	Hortman	Lieder	Norton	Slocum	
Dill	Hosch	Lillie	Olin	Smith	
Dittrich	Howes	Loeffler	Otremba	Solberg	

The motion did not prevail and the amendment was not adopted.

Erhardt moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 94, line 6, delete "10,000,000" and insert "1,200,000"

Page 96, delete lines 22 to 35

Page 97, delete lines 1 to 8

Page 126, reinstate the stricken language

Page 126, line 34, delete "25,000,000" and insert "25,600,000"

Page 127, reinstate the stricken language

Page 128, reinstate the stricken language

Page 128, line 4, delete "25,000,000" and insert "25,600,000"

Page 128, line 6, delete "25,000,000" and insert "25,600,000"

Adjust the totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Erhardt amendment and the roll was called. There were 64 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Garofalo	Lanning	Peterson, N.	Sviggum
Anderson, B.	DeLaForest	Gottwalt	Madore	Peterson, S.	Swails
Anderson, S.	Demmer	Gunther	Magnus	Poppe	Tingelstad
Beard	Dettmer	Hackbarth	McFarlane	Ruth	Urdahl
Benson	Dittrich	Hamilton	McNamara	Ruud	Wardlow
Berns	Eastlund	Holberg	Morgan	Scalze	Welti
Brod	Emmer	Hoppe	Nornes	Seifert	Winkler
Brown	Erhardt	Hosch	Olson	Severson	Wollschlager
Buesgens	Erickson	Howes	Ozment	Shimanski	Zellers
Bunn	Finstad	Kohls	Paulsen	Simpson	
Cornish	Fritz	Kranz	Peppin	Smith	

Those who voted in the negative were:

Anzelc	Dill	Hausman	Jaros	Lenczewski	Marquart
Atkins	Dominguez	Haws	Johnson	Lesch	Masin
Bigham	Doty	Heidgerken	Juhnke	Liebling	Moe
Bly	Eken	Hilstrom	Kahn	Lieder	Morrow
Brynaert	Faust	Hilty	Kalin	Lillie	Mullery
Carlson	Gardner	Hornstein	Knuth	Loeffler	Murphy, E.
Clark	Greiling	Hortman	Koenen	Mahoney	Murphy, M.
Davnie	Hansen	Huntley	Laine	Mariani	Nelson

Norton	Pelowski	Sertich	Solberg	Tschumper	Westrom
Olin	Peterson, A.	Simon	Thao	Wagenius	Spk. Kelliher
Otremba	Rukavina	Slawik	Thissen	Walker	
Paymar	Sailer	Slocum	Tillberry	Ward	

The motion did not prevail and the amendment was not adopted.

Westrom moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 112, delete section 19

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Westrom amendment and the roll was called. There were 50 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Garofalo	Kalin	Peppin	Swails
Anderson, B.	DeLaForest	Gottwalt	Kohls	Peterson, N.	Urdahl
Anderson, S.	Demmer	Gunther	Lanning	Ruth	Wardlow
Beard	Dettmer	Hackbarth	Magnus	Seifert	Westrom
Berns	Eastlund	Hamilton	McFarlane	Severson	Zellers
Brod	Emmer	Heidgerken	McNamara	Shimanski	
Buesgens	Erhardt	Holberg	Nornes	Simpson	
Bunn	Erickson	Hoppe	Olson	Smith	
Cornish	Finstad	Howes	Paulsen	Sviggum	

Those who voted in the negative were:

Anzelc	Eken	Jaros	Madore	Otremba	Slocum
Atkins	Faust	Johnson	Mahoney	Ozment	Solberg
Benson	Fritz	Juhnke	Mariani	Paymar	Thao
Bigham	Gardner	Kahn	Marquart	Pelowski	Thissen
Bly	Greiling	Knuth	Masin	Peterson, A.	Tillberry
Brown	Hansen	Koenen	Moe	Peterson, S.	Tingelstad
Brynaert	Hausman	Kranz	Morgan	Poppe	Tschumper
Carlson	Haws	Laine	Morrow	Rukavina	Wagenius
Clark	Hilstrom	Lenzewski	Mullery	Ruud	Walker
Davnie	Hilty	Lesch	Murphy, E.	Sailer	Ward
Dill	Hornstein	Liebling	Murphy, M.	Scalze	Welti
Dittrich	Hortman	Lieder	Nelson	Sertich	Winkler
Dominguez	Hosch	Lillie	Norton	Simon	Wollschlager
Doty	Huntley	Loeffler	Olin	Slawik	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

Kohls moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 122, delete section 35

Page 124, delete section 39

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kohls amendment and the roll was called. There were 53 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Finstad	Kalin	Olson	Shimanski
Anderson, S.	DeLaForest	Garofalo	Kohls	Ozment	Simpson
Beard	Demmer	Gottwalt	Kranz	Paulsen	Sviggum
Benson	Dettmer	Gunther	Lanning	Peppin	Thissen
Berns	Dittrich	Hackbarth	Magnus	Peterson, N.	Tingelstad
Brod	Eastlund	Hamilton	McFarlane	Ruth	Wardlow
Buesgens	Emmer	Holberg	McNamara	Ruud	Westrom
Bunn	Erhardt	Hoppe	Morgan	Seifert	Zellers
Cornish	Erickson	Howes	Nornes	Severson	

Those who voted in the negative were:

Abeler	Faust	Jaros	Mahoney	Pelowski	Thao
Anzelc	Fritz	Johnson	Mariani	Peterson, A.	Tillberry
Atkins	Gardner	Juhnke	Marquart	Peterson, S.	Tschumper
Bigham	Greiling	Kahn	Masin	Poppe	Urdahl
Bly	Hansen	Knuth	Moe	Rukavina	Wagenius
Brown	Hausman	Koenen	Morrow	Sailer	Walker
Brynaert	Haws	Laine	Mullery	Scalze	Ward
Carlson	Heidgerken	Lenczewski	Murphy, E.	Sertich	Welti
Clark	Hilstrom	Lesch	Murphy, M.	Simon	Winkler
Davnie	Hilty	Liebling	Nelson	Slawik	Wollschlager
Dill	Hornstein	Lieder	Norton	Slocum	Spk. Kelliher
Dominguez	Hortman	Lillie	Olin	Smith	
Doty	Hosch	Loeffler	Otremba	Solberg	
Eken	Huntley	Madore	Paymar	Swails	

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 122, delete section 35

Page 123, delete sections 36 and 37

Page 124, delete sections 38 to 40

Page 125, delete section 41

Page 129, line 27, delete everything after "obligor"

Page 129, line 28, delete "subdivision 9,"

Page 129, line 31, after the period, insert "Reparation obligor" means an insurer or self-insurer obligated to provide benefits, including natural persons, firms, partnerships, associations, corporations, governmental units, trusts, and syndicates."

Page 134, after line 16, insert:

"Sec. 54. **[65B.30] COMPULSORY INSURANCE.**

**Subdivision 1. General requirement and coverages.** Every owner of a motor vehicle of a type which is required to be registered or licensed or is principally garaged in this state shall maintain during the period in which operation or use is contemplated insurance under provisions approved by the commissioner, insuring against loss resulting from liability imposed by law for injury and property damage sustained by any person arising out of the ownership, maintenance, operation, or use of the vehicle. The nonresident owner of a motor vehicle which is not required to be registered or licensed, or which is not principally garaged in this state, shall maintain such insurance in effect continuously throughout the period of the operation, maintenance, or use of such motor vehicle within this state with respect to accidents occurring in this state.

**Subd. 2. Types of insurance.** The insurance required by subdivision 1 may be provided by a policy of insurance which is issued by or on behalf of an insurer authorized to transact business in this state or, if the vehicle is registered in another state, by a policy of insurance issued by or on behalf of an insurer authorized to transact business in either this state or the state in which the vehicle is registered or by qualifying as a self-insurer.

**Subd. 3. Self-insurance.** Self-insurance, subject to approval of the commissioner, is effected by filing with the commissioner in satisfactory form:

(1) a continuing undertaking by the owner or other appropriate person to pay tort liabilities and to perform all other obligations imposed by law;

(2) evidence that appropriate provision exists for prompt administration of all claims, benefits, and obligations;

(3) evidence that reliable financial arrangements, deposits, or commitments exist providing assurance for payment of tort liabilities and all other obligations imposed by law; and

(4) a nonrefundable initial application fee of \$1,500 and an annual renewal fee of \$400 for political subdivisions and \$500 for nonpolitical entities.

**Subd. 3a. Rulemaking.** To carry out the purposes of subdivision 3, the commissioner may adopt rules pursuant to chapter 14. These rules may:

(1) establish reporting requirements;

(2) establish standards or guidelines to assure the adequacy of the financing and administration of self-insurance plans;

(3) establish bonding requirements or other provisions assuring the financial integrity of entities that self-insure other than bonding requirements for self-insuring political subdivisions; and

(4) establish other reasonable requirements to further the purposes of this section.

Subd. 4. **State or political subdivisions to provide insurance.** The state of Minnesota or any agency thereof and any political subdivision of the state or agency thereof shall provide insurance, either as a self-insurer pursuant to subdivision 3, or through purchase of a policy of insurance.

Subd. 5. **Motorcycle coverage.** Every owner of a motorcycle registered or required to be registered in this state or operated in this state by the owner or with the owner's permission shall provide and maintain insurance for the payment of tort liabilities arising out of the maintenance or use of the motorcycle in this state. Insurance may be provided by a policy of insurance or by qualifying as a self-insurer in the manner provided in subdivision 3."

Page 150, after line 27, insert:

"Sec. 71. **PREMIUM REDUCTION.**

An insurer must provide an appropriate premium reduction of at least 20 percent on each policy, plan, or contract issued or renewed on or after January 1, 2008, insuring against loss resulting from liability imposed by law for injury or property damage sustained by any person arising out of the operation, maintenance, or use of a motor vehicle of a type that is required to be registered or licensed or is principally garaged in this state.

Sec. 72. **CONFORMING LEGISLATION.**

The revisor of statutes shall place a bill before the legislature no later than January 1, 2008, making all changes in Minnesota Statutes necessary to conform other provisions of Minnesota Statutes to this act."

Page 151, after line 2, insert:

"(b) Minnesota Statutes 2006, sections 65B.41; 65B.42; 65B.43; 65B.44; 65B.45; 65B.46; 65B.47; 65B.48; 65B.482; 65B.49; 65B.50; 65B.51; 65B.525; 65B.53; 65B.54; 65B.55; 65B.56; 65B.57; 65B.58; 65B.59; 65B.60; 65B.61; 65B.63; 65B.64; 65B.65; 65B.66; 65B.685; and 65B.71, are repealed effective January 1, 2008."

Page 151, line 3, delete "(b)" and insert "(c)"

Page 151, after line 5, insert:

"Sec. 73. **EFFECTIVE DATE.**

Sections 47, 65, and 66 are effective January 1, 2008, and apply to accidents occurring on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 36 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cornish	Erickson	Hamilton	Magnus	Severson
Anderson, S.	Dean	Finstad	Heidgerken	Olson	Shimanski
Beard	DeLaForest	Garofalo	Holberg	Paulsen	Simpson
Berns	Dettmer	Gottwalt	Hoppe	Peppin	Sviggun
Brod	Eastlund	Gunther	Howes	Ruth	Wardlow
Buesgens	Emmer	Hackbarth	Kohls	Seifert	Zellers

Those who voted in the negative were:

Abeler	Eken	Juhnke	Marquart	Pelowski	Thissen
Anzelc	Erhardt	Kahn	Masin	Peterson, A.	Tillberry
Atkins	Faust	Kalin	McFarlane	Peterson, N.	Tingelstad
Benson	Fritz	Knuth	McNamara	Peterson, S.	Tschumper
Bigham	Gardner	Koenen	Moe	Poppe	Urdahl
Bly	Greiling	Kranz	Morgan	Rukavina	Wagenius
Brown	Hansen	Laine	Morrow	Ruud	Walker
Brynaert	Hausman	Lanning	Mullery	Sailer	Ward
Bunn	Haws	Lenczewski	Murphy, E.	Scalze	Welti
Carlson	Hilstrom	Lesch	Murphy, M.	Sertich	Westrom
Clark	Hilty	Liebling	Nelson	Simon	Winkler
Davnie	Hornstein	Lieder	Nornes	Slawik	Wollschlager
Demmer	Hortman	Lillie	Norton	Slocum	Spk. Kelliher
Dill	Hosch	Loeffler	Olin	Smith	
Dittrich	Huntley	Madore	Otremba	Solberg	
Dominguez	Jaros	Mahoney	Ozment	Swails	
Doty	Johnson	Mariani	Paymar	Thao	

The motion did not prevail and the amendment was not adopted.

Brod moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 13, after line 23, insert:

"\$2,000,000 the first year is for deposit into the public waters debris clearance fund. \$79,000 from that fund must be used for a grant to Le Sueur County for the cost of cleaning debris from lakes in Le Sueur County caused by the August 24, 2006, tornado in southern Le Sueur County. This is a onetime appropriation that is available until expended."

Page 57, after line 16, insert:

"Sec. 52. **[103G.122] COMMISSIONER'S AUTHORITY TO REMOVE DEBRIS.**

(a) The commissioner shall remove debris from public waters that was:

(1) caused by a disaster or a public emergency as defined in chapter 12; and

(2) constitutes a threat to public safety in any way, including swimming, boating, or other recreational use of the public waters.

(b) A statutory or home rule charter city or county may, after a disaster, allow residents and adjacent property owners to place debris retrieved from public waters onto the public access for pickup.

(c) A public waters debris clearance fund is created to assure that public waters are cleaned and maintained from debris that is deposited into the public waters by disasters, as defined in Minnesota Statutes, chapter 12.

If the governor has declared a state of emergency, money in this fund shall be appropriated to the commissioner of natural resources for the removal of debris, which were deposited by a disaster, from public waters. The commissioner of natural resources may contract or provide grants to local governments to accomplish these purposes.

If a federal disaster is declared, the reimbursement for debris removal from public waters must be deposited into the public waters debris clearance fund."

Page 94, line 6, delete "\$10,000,000" and insert "\$8,000,000"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Correct the title numbers accordingly

A roll call was requested and properly seconded.

The question was taken on the Brod amendment and the roll was called. There were 54 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gunther	Kohls	Olson	Severson
Anderson, B.	Dettmer	Hackbarth	Lanning	Ozment	Shimanski
Beard	Eastlund	Hamilton	Magnus	Paulsen	Simpson
Berns	Emmer	Haws	Marquart	Pelowski	Smith
Brod	Erhardt	Heidgerken	McFarlane	Peppin	Sviggum
Buesgens	Erickson	Holberg	McNamara	Peterson, N.	Tingelstad
Cornish	Finstad	Hoppe	Morrow	Poppe	Urdahl
Dean	Garofalo	Hosch	Nornes	Ruth	Wardlow
DeLaForest	Gottwalt	Howes	Olin	Seifert	Zellers

Those who voted in the negative were:

Anderson, S.	Brynaert	Dominguez	Hansen	Jaros	Kranz
Anzelc	Bunn	Doty	Hausman	Johnson	Laine
Atkins	Carlson	Eken	Hilstrom	Juhnke	Lenczewski
Benson	Clark	Faust	Hilty	Kahn	Lesch
Bigham	Davnie	Fritz	Hornstein	Kalin	Liebling
Bly	Dill	Gardner	Hortman	Knuth	Lieder
Brown	Dittrich	Greiling	Huntley	Koenen	Lillie

Loeffler	Mullery	Peterson, A.	Simon	Tillberry	Winkler
Madore	Murphy, E.	Peterson, S.	Slawik	Tschumper	Wollschlager
Mahoney	Murphy, M.	Rukavina	Slocum	Wagenius	Spk. Kelliher
Mariani	Nelson	Ruud	Solberg	Walker	
Masin	Norton	Sailer	Swails	Ward	
Moe	Otremba	Scalze	Thao	Welti	
Morgan	Paymar	Sertich	Thissen	Westrom	

The motion did not prevail and the amendment was not adopted.

Peppin moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 181, line 31, delete "section" and insert "sections" and delete ", is" and insert "and 216B.243, subdivision 3b, are"

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Peppin amendment and the roll was called. There were 54 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Gottwalt	Huntley	Nornes	Shimanski
Anderson, S.	Dettmer	Gunther	Juhnke	Olson	Simpson
Beard	Eastlund	Hackbarth	Koenen	Ozment	Smith
Berns	Emmer	Hamilton	Kohls	Paulsen	Sviggum
Brod	Erhardt	Heidgerken	Lanning	Peppin	Tingelstad
Buesgens	Erickson	Holberg	Magnus	Peterson, N.	Urdahl
Cornish	Faust	Hoppe	Mahoney	Ruth	Wardlow
Dean	Finstad	Hosch	McFarlane	Seifert	Westrom
DeLaForest	Garofalo	Howes	McNamara	Severson	Zellers

Those who voted in the negative were:

Abeler	Dominguez	Johnson	Marquart	Peterson, A.	Tillberry
Anzcl	Doty	Kahn	Masin	Peterson, S.	Tschumper
Atkins	Eken	Kalin	Moe	Poppe	Wagenius
Benson	Fritz	Knuth	Morgan	Rukavina	Walker
Bigham	Gardner	Kranz	Morrow	Ruud	Ward
Bly	Greiling	Laine	Mullery	Sailer	Welti
Brown	Hansen	Lenczewski	Murphy, E.	Scalze	Winkler
Brynaert	Hausman	Lesch	Murphy, M.	Sertich	Wollschlager
Bunn	Haws	Liebling	Nelson	Simon	Spk. Kelliher
Carlson	Hilstrom	Lieder	Norton	Slawik	
Clark	Hilty	Lillie	Olin	Slocum	
Davnie	Hornstein	Loeffler	Otremba	Solberg	
Dill	Hortman	Madore	Paymar	Swails	
Dittrich	Jaros	Mariani	Pelowski	Thao	

The motion did not prevail and the amendment was not adopted.

Zellers moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 125, line 3, after "provider" insert "or attorney"

Page 125, line 6, delete the second "or" and insert a comma and after "item" insert ", or service"

Page 125, line 7, after "licensee" insert "or attorney" in both places

Page 125, line 8, after "licensee" insert "or attorney" in both places

Page 125, line 10, after "licensee" insert "or attorney"

Page 125, line 11, after "licensees" insert "or attorneys"

Page 125, line 15, after "licensee" insert "or attorney"

Page 125, line 17, after "licensee" insert "or attorney"

Page 125, line 19, after "licensee" insert "or attorney"

Page 125, line 30, after "authority" insert "or Office of Lawyers Professional Responsibility"

Page 125, line 31, after "licensee" insert "or attorney"

The motion prevailed and the amendment was adopted.

Brod moved to amend S. F. No. 2096, the third unofficial engrossment, as amended, as follows:

Page 57, after line 16, insert:

"Sec. 52. **[103G.122] COMMISSIONER'S AUTHORITY TO REMOVE DEBRIS.**

(a) The commissioner shall remove debris from public waters that was:

(1) caused by a disaster or a public emergency as defined in chapter 12; and

(2) constitutes a threat to public safety in any way, including swimming, boating, or other recreational use of the public waters.

(b) A statutory or home rule charter city or county may allow residents and adjacent property owners to place debris retrieved from public waters onto the public access for pickup."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2096, the third unofficial engrossment, as amended, was read for the third time.

#### MOTION TO LAY ON THE TABLE

Olson moved that S. F. No. 2096, the third unofficial engrossment, as amended, be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Olson motion and the roll was called. There were 28 yeas and 106 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Hackbarth	Magnus	Ruth	Urdahl
Beard	Eastlund	Heidgerken	McFarlane	Seifert	Wardlow
Brod	Emmer	Holberg	McNamara	Severson	Zellers
Buesgens	Erickson	Kohls	Olson	Shimanski	
Dean	Gottwalt	Lanning	Peppin	Sviggum	

Those who voted in the negative were:

Abeler	Dittrich	Hoppe	Lieder	Otremba	Smith
Anderson, S.	Dominguez	Hornstein	Lillie	Ozment	Solberg
Anzelc	Doty	Hortman	Loeffler	Paulsen	Swails
Atkins	Eken	Hosch	Madore	Paymar	Thao
Benson	Erhardt	Howes	Mahoney	Pelowski	Thissen
Berns	Faust	Huntley	Mariani	Peterson, A.	Tillberry
Bigham	Finstad	Jaros	Marquart	Peterson, N.	Tingelstad
Bly	Fritz	Johnson	Masin	Peterson, S.	Tschumper
Brown	Gardner	Juhnke	Moe	Poppe	Wagenius
Brynaert	Garofalo	Kahn	Morgan	Rukavina	Walker
Bunn	Greiling	Kalin	Morrow	Ruud	Ward
Carlson	Gunther	Knuth	Mullery	Sailer	Welti
Clark	Hamilton	Koenen	Murphy, E.	Scalze	Westrom
Cornish	Hansen	Kranz	Murphy, M.	Sertich	Winkler
Davnie	Hausman	Laine	Nelson	Simon	Wollschlager
DeLaForest	Haws	Lenczewski	Nornes	Simpson	Spk. Kelliher
Demmer	Hilstrom	Lesch	Norton	Slawik	
Dill	Hilty	Liebling	Olin	Slocum	

The motion did not prevail.

#### POINT OF ORDER

Olson raised a point of order pursuant to section 162, paragraph 3, of "Mason's Manual of Legislative Procedure," relating to Demands by a Single Member. The Speaker ruled the point of order not well taken.

Olson appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 105 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Anzelc	Eken	Hortman	Lillie	Otremba	Slocum
Atkins	Erhardt	Hosch	Loeffler	Ozment	Solberg
Benson	Faust	Howes	Madore	Paulsen	Swails
Berns	Fritz	Huntley	Mahoney	Paymar	Thao
Bigham	Gardner	Jaros	Mariani	Pelowski	Thissen
Bly	Garofalo	Johnson	Marquart	Peterson, A.	Tillberry
Brod	Gottwalt	Juhnke	Masin	Peterson, N.	Tschumper
Brown	Greiling	Kahn	McFarlane	Peterson, S.	Urdahl
Brynaert	Gunther	Kalin	McNamara	Poppe	Wagenius
Bunn	Hamilton	Knuth	Moe	Rukavina	Walker
Carlson	Hansen	Koenen	Morgan	Ruth	Ward
Clark	Hausman	Kranz	Morrow	Ruud	Welti
Cornish	Haws	Laine	Mullery	Sailer	Winkler
Davnie	Heidgerken	Lanning	Murphy, E.	Scalze	Wollschlager
Dill	Hilstrom	Lenczewski	Murphy, M.	Sertich	Spk. Kelliher
Dittrich	Hilty	Lesch	Nelson	Simon	
Dominguez	Hoppe	Liebling	Norton	Simpson	
Doty	Hornstein	Lieder	Olin	Slawik	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Erickson	Magnus	Severson	Wardlow
Anderson, S.	Demmer	Finstad	Nornes	Shimanski	Westrom
Beard	Dettmer	Hackbarth	Olson	Smith	Zellers
Buesgens	Eastlund	Holberg	Peppin	Sviggum	
Dean	Emmer	Kohls	Seifert	Tingelstad	

So it was the judgment of the House that the decision of the Speaker should stand.

S. F. No. 2096, A bill for an act relating to state government; appropriating money for environmental, natural resources, and energy purposes; establishing and modifying certain programs; modifying rulemaking authority; providing for accounts, assessments, and fees; amending Minnesota Statutes 2006, sections 84.025, subdivision 9; 84.026, subdivision 1; 84.027, by adding a subdivision; 84.0855, subdivisions 1, 2; 84.780; 84.922, subdivisions 1a, 5; 84.927, subdivision 2; 84D.03, subdivision 1; 84D.12, subdivisions 1, 3; 84D.13, subdivision 7; 85.32, subdivision 1; 86B.415, subdivisions 1, 2, 3, 4, 5, 7; 86B.706, subdivision 2; 89A.11; 93.0015, subdivision 3; 97A.045, by adding a subdivision; 97A.055, subdivision 4; 97A.065, by adding a subdivision; 97A.405, subdivision 2; 97A.411, subdivision 1; 97A.451, subdivision 3a; 97A.465, by adding subdivisions; 97A.473, subdivisions 3, 5; 97A.475, subdivisions 3, 7, 11, 12, by adding a subdivision; 97B.601, subdivision 3; 97B.715, subdivision 1; 97B.801; 97C.081, subdivision 3; 97C.355, subdivision 2; 116C.779, subdivision 1; 216B.812, subdivisions 1, 2; 216C.051, subdivision 9; Laws 2003, chapter 128, article 1, section 169; proposing coding for new law in Minnesota Statutes, chapters 84; 84D; 89; 103F; 144; 216B; 216C; 325E; repealing Minnesota Statutes 2006, section 93.2236.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Pursuant to rule 2.05, the Speaker excused Olson from voting on final passage of S. F. No. 2096, the third unofficial engrossment, as amended.

There were 95 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Huntley	Madore	Otremba	Smith
Anzelc	Doty	Jaros	Mahoney	Ozment	Solberg
Atkins	Eken	Johnson	Mariani	Paymar	Swails
Benson	Erhardt	Juhnke	Marquart	Pelowski	Thao
Berns	Faust	Kahn	Masin	Peterson, A.	Thissen
Bigham	Fritz	Kalin	McFarlane	Peterson, N.	Tillberry
Bly	Gardner	Knuth	McNamara	Peterson, S.	Tingelstad
Brown	Greiling	Koenen	Moe	Poppe	Tschumper
Brynaert	Hansen	Kranz	Morgan	Rukavina	Wagenius
Bunn	Hausman	Laine	Morrow	Ruud	Walker
Carlson	Haws	Lenczewski	Mullery	Sailer	Ward
Clark	Hilstrom	Lesch	Murphy, E.	Scalze	Welti
Cornish	Hilty	Liebling	Murphy, M.	Sertich	Winkler
Davnie	Hornstein	Lieder	Nelson	Simon	Wollschlager
Dill	Hortman	Lillie	Norton	Slawik	Spk. Kelliher
Dittrich	Hosch	Loeffler	Olin	Slocum	

Those who voted in the negative were:

Anderson, B.	Demmer	Gottwalt	Howes	Ruth	Wardlow
Anderson, S.	Dettmer	Gunther	Kohls	Seifert	Westrom
Beard	Eastlund	Hackbarth	Lanning	Severson	Zellers
Brod	Emmer	Hamilton	Magnus	Shimanski	
Buesgens	Erickson	Heidgerken	Nornes	Simpson	
Dean	Finstad	Holberg	Paulsen	Sviggum	
DeLaForest	Garofalo	Hoppe	Peppin	Urdahl	

The bill was passed, as amended, and its title agreed to.

### FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 829.

The Speaker called Thissen to the Chair.

H. F. No. 829 was reported to the House.

Westrom; Gottwalt; Ruth; Dean; Finstad; Dettmer; Hamilton; Wardlow; Gunther; Sviggum; Nornes; Peppin; Olson; Kohls; Buesgens; Emmer; Eastlund; DeLaForest; Tingelstad; Simpson; Erickson; McNamara; Shimanski; Magnus; Beard; Holberg; Smith; Marquart; McFarlane; Paulsen; Anderson, B.; Zellers; Lanning; Abeler; Hackbarth; Brod; Heidgerken; Hoppe; Ozment and Seifert moved to amend H. F. No. 829, the third engrossment, as follows:

Page 63, after line 17, insert:

"Sec. 6. Minnesota Statutes 2006, section 260B.007, is amended by adding a subdivision to read:

Subd. 21. **Violent juvenile offense.** "Violent juvenile offense" means any of the following offenses that would be a felony if committed by an adult: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); and 609.377 (malicious punishment of a child).

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to offenses committed on or after that date.

Sec. 7. Minnesota Statutes 2006, section 260B.125, subdivision 1, is amended to read:

Subdivision 1. **Order.** When a child is alleged to have committed, after becoming 13 years of age, a violent juvenile offense as defined in section 260B.007, subdivision 21, or after becoming 14 years of age, an offense that would be a felony if committed by an adult, the juvenile court may enter an order certifying the proceeding for action under the laws and court procedures controlling adult criminal violations.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to offenses committed on or after that date.

Sec. 8. Minnesota Statutes 2006, section 260B.130, subdivision 1, is amended to read:

Subdivision 1. **Designation.** A proceeding involving a child alleged to have committed a felony offense is an extended jurisdiction juvenile prosecution if:

(1) the child was ~~14~~ 13 to 17 years old at the time of the alleged offense, a certification hearing was held, and the court designated the proceeding an extended jurisdiction juvenile prosecution;

(2) the child was 16 or 17 years old at the time of the alleged offense; the child is alleged to have committed an offense for which the Sentencing Guidelines and applicable statutes presume a commitment to prison or to have committed any felony in which the child allegedly used a firearm; and the prosecutor designated in the delinquency petition that the proceeding is an extended jurisdiction juvenile prosecution; ~~or~~

(3) the child was 14 to 17 years old at the time of the alleged offense, the prosecutor requested that the proceeding be designated an extended jurisdiction juvenile prosecution, a hearing was held on the issue of designation, and the court designated the proceeding an extended jurisdiction juvenile prosecution; or

(4) the child was 13 years old at the time of the alleged offense, the alleged offense is a violent juvenile offense as defined in section 260B.007, subdivision 21, the prosecutor requested that the proceeding be designated an extended jurisdiction juvenile prosecution, a hearing was held on the issue of designation, and the court designated the proceeding an extended jurisdiction juvenile prosecution.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to offenses committed on or after that date.

Sec. 9. Minnesota Statutes 2006, section 260B.141, subdivision 4, is amended to read:

Subd. 4. **Delinquency petition; extended jurisdiction juvenile.** When a prosecutor files a delinquency petition alleging that a child committed a felony offense for which there is a presumptive commitment to prison according to the Sentencing Guidelines and applicable statutes or in which the child used a firearm, after reaching the age of 16 years, the prosecutor shall indicate in the petition whether the prosecutor designates the proceeding an extended jurisdiction juvenile prosecution. When a prosecutor files a delinquency petition alleging that a child aged 13 years committed a violent juvenile offense as defined in section 260B.007, subdivision 21, or a child aged 14 to 17 years committed a felony offense, the prosecutor may request that the court designate the proceeding an extended jurisdiction juvenile prosecution.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to offenses committed on or after that date.

Sec. 10. Minnesota Statutes 2006, section 260B.198, subdivision 6, is amended to read:

Subd. 6. **Expungement.** Except when legal custody is transferred under the provisions of subdivision 1, clause (d) or a child is adjudicated delinquent for committing a violent juvenile offense as defined in section 260B.007, subdivision 21, the court may expunge the adjudication of delinquency at any time that it deems advisable.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to offenses committed on or after that date."

Page 74, after line 32, insert:

"Sec. 23. Minnesota Statutes 2006, section 609.055, is amended to read:

#### **609.055 LIABILITY OF CHILDREN.**

Subdivision 1. **General rule.** Children under the age of ~~14~~13 years are incapable of committing crime.

Subd. 2. **Adult prosecution.** (a) Except as otherwise provided in paragraph (b), children of the age of 13 years may be prosecuted for a violent juvenile offense, as defined in section 260B.007, subdivision 21, and children of the age of 14 years or over but under 18 years may be prosecuted for a felony offense, if the alleged violation is duly certified for prosecution under the laws and court procedures controlling adult criminal violations or may be designated an extended jurisdiction juvenile in accordance with the provisions of chapter 260B. A child who is 16 years of age or older but under 18 years of age is capable of committing a crime and may be prosecuted for a felony if:

(1) the child has been previously certified on a felony charge pursuant to a hearing under section 260B.125, subdivision 2, or pursuant to the waiver of the right to such a hearing, or prosecuted pursuant to this subdivision; and

(2) the child was convicted of the felony offense or offenses for which the child was prosecuted or of a lesser included felony offense.

(b) A child who is alleged to have committed murder in the first degree after becoming 16 years of age is capable of committing a crime and may be prosecuted for the felony. This paragraph does not apply to a child alleged to have committed attempted murder in the first degree after becoming 16 years of age.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to offenses committed on or after that date.

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hilstrom, Paymar, Morrow, Brod and Smith moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 123, after line 33, insert:

#### "ARTICLE 10

#### PUBLIC SAFETY AND HUMAN SERVICES

Section 1. Minnesota Statutes 2006, section 168.012, subdivision 1, is amended to read:

Subdivision 1. **Vehicles exempt from tax, fees, or plate display.** (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from those institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for charitable, religious, or educational purposes;

(5) ambulances owned by ambulance services licensed under section 144E.10, the general appearance of which is unmistakable; and

(6) vehicles owned by a commercial driving school licensed under section 171.34, or an employee of a commercial driving school licensed under section 171.34, and the vehicle is used exclusively for driver education and training.

(b) Vehicles owned by the federal government, municipal fire apparatuses including fire-suppression support vehicles, police patrols, and ambulances, the general appearance of which is unmistakable, are not required to register or display number plates.

(c) Unmarked vehicles used in general police work, liquor investigations, or arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the Department of Corrections, must be registered and must display appropriate license number plates, furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the Department of Corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a Department of Corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry, fraud unit, in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates, furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue or the commissioner of labor and industry. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) Unmarked vehicles used by the Division of Disease Prevention and Control of the Department of Health must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of health. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Division of Disease Prevention and Control.

(f) Unmarked vehicles used by staff of the Gambling Control Board in gambling investigations and reviews must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the board chair. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Gambling Control Board.

(g) Unmarked vehicles used in general investigation, surveillance, and monitoring by the staff of the Department of Human Services state-operated services office of special investigations must be registered and must display passenger vehicle classification license number plates, furnished by the registrar at cost. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of human services. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the office of special investigations.

~~(g)~~ (h) All other motor vehicles must be registered and display tax-exempt number plates, furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates must have the name of the state department or political subdivision, nonpublic high school operating a driver education program, or licensed commercial driving school, plainly displayed on both sides of the vehicle; except that each state hospital and institution for persons who are mentally ill and developmentally disabled may have one vehicle without the required identification on the sides of the vehicle, and county social service agencies may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle. This identification must be in a color giving contrast with that of the part of the vehicle on which it is placed and must endure throughout the term of the registration. The identification must not be on a removable plate or placard and must be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program.

Sec. 2. Minnesota Statutes 2006, section 243.55, subdivision 1, is amended to read:

Subdivision 1. **Contraband; bringing into correctional facility; felony.** Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or state hospital, or within or upon the grounds belonging to or land or controlled by any such facility or hospital, or is found in possession of any controlled substance as defined in section 152.01, subdivision 4, or any firearms, weapons or explosives of any kind, without the consent of the chief executive officer thereof, shall be guilty of a felony and, upon conviction thereof, punished by imprisonment for a term of not more than ten years. Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or within or upon the grounds belonging to or land controlled by the facility, or is found in the possession of any intoxicating or alcoholic liquor or malt beverage of any kind without the consent of the chief executive officer thereof, shall be guilty of a gross misdemeanor. Any person who brings, sends, or in any manner causes to be introduced into any state-operated secure treatment facility, as defined in section 256B.02, subdivision 18a, within or upon the grounds belonging to or land controlled by the facility, or is found in the possession of any intoxicating or alcoholic liquor or malt beverage of any kind is guilty of a felony, and upon conviction of, is punished by imprisonment for a term of not more than ten years. The provisions of this section shall not apply to physicians carrying drugs or introducing any of the above described liquors into such facilities for use in the practice of their profession; nor to sheriffs or other peace officers carrying revolvers or firearms as such officers in the discharge of duties.

Sec. 3. Minnesota Statutes 2006, section 245.041, is amended to read:

#### **245.041 PROVISION OF FIREARMS BACKGROUND CHECK INFORMATION.**

Notwithstanding section 253B.23, subdivision 9, the commissioner of human services shall provide commitment information to local law enforcement agencies on an individual request basis ~~by means of electronic data transfer from the Department of Human Services through the Minnesota Crime Information System~~ for the sole purpose of facilitating a firearms background check under section 624.7131, 624.7132, or 624.714. The information to be provided is limited to whether the person has been committed under chapter 253B and, if so, the type of commitment.

Sec. 4. Minnesota Statutes 2006, section 253B.09, subdivision 3a, is amended to read:

Subd. 3a. **Reporting judicial commitments; private treatment program or facility.** Notwithstanding section 253B.23, subdivision 9, when a court commits a patient to a treatment program or facility other than a state-operated program or facility, the court shall report the commitment to the commissioner through the ~~Supreme~~ court information system for purposes of providing commitment information for firearm background checks under section 245.041.

Sec. 5. Minnesota Statutes 2006, section 609.15, subdivision 1, is amended to read:

Subdivision 1. **Concurrent, consecutive sentences; specification requirement.** (a) Except as provided in paragraph (c), when separate sentences of imprisonment are imposed on a defendant for two or more crimes, whether charged in a single indictment or information or separately, or when a person who is under sentence of imprisonment in this state is being sentenced to imprisonment for another crime committed prior to or while subject to such former sentence, the court in the later sentences shall specify whether the sentences shall run concurrently or consecutively. If the court does not so specify, the sentences shall run concurrently.

(b) When a court imposes sentence for a misdemeanor or gross misdemeanor offense and specifies that the sentence shall run consecutively to any other sentence, the court may order the defendant to serve time in custody for the consecutive sentence in addition to any time in custody the defendant may be serving for any other offense, including probationary jail time or imprisonment for any felony offense.

(c) An inmate of a state prison or a patient under the care or jurisdiction of an in-patient or out-patient program operated by the Minnesota sex offender program under chapters 246B and 253B who is convicted of committing an assault ~~within the~~ a correctional facility or within a secure treatment facility or while participating in a program operated by the Minnesota sex offender program is subject to the consecutive sentencing provisions of section 609.2232.

Sec. 6. Minnesota Statutes 2006, section 609.221, subdivision 2, is amended to read:

Subd. 2. **Use of deadly force against peace officer or correctional employee.** (a) Whoever assaults a peace officer ~~or~~ correctional employee, or employee of a secure treatment facility or a program operated by the Minnesota sex offender program by using or attempting to use deadly force against the officer or employee while the officer or employee is engaged in the performance of a duty imposed by law, policy, or rule may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$30,000, or both.

(b) A person convicted of ~~assaulting a peace officer or correctional employee~~ assault as described in paragraph (a) shall be committed to the commissioner of corrections for not less than ten years, nor more than 20 years. A defendant convicted and sentenced as required by this paragraph is not eligible for probation, parole, discharge, work release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. Notwithstanding section 609.135, the court may not stay the imposition or execution of this sentence.

(c) As used in this subdivision:

(1) "correctional employee" means an employee of a public or private prison, jail, or workhouse;

(2) "deadly force" has the meaning given in section 609.066, subdivision 1; and

(3) "peace officer" has the meaning given in section 626.84, subdivision 1.

Sec. 7. Minnesota Statutes 2006, section 609.2232, is amended to read:

**609.2232 CONSECUTIVE SENTENCES FOR ASSAULTS COMMITTED BY STATE PRISON INMATES AND SEX OFFENDER PATIENTS.**

(a) If an inmate ~~or~~ confined in a state correctional facility or a patient under the care or jurisdiction of an in-patient or out-patient program operated by the Minnesota sex offender program under chapters 246B and 253B is convicted of violating section 609.221, 609.222, 609.223, 609.2231, ~~or~~ 609.224, ~~while confined in the facility, or~~ 609.713:

(i) the sentence imposed for the assault shall be executed and run consecutively to any unexpired portion of ~~the offender's earlier any criminal sentence;~~ to which the inmate or patient is still subject;

(ii) the inmate ~~is or patient shall~~ shall not be entitled to credit against the sentence imposed for the assault for time served in confinement for the earlier sentence;

(iii) the inmate ~~or patient shall~~ shall serve the sentence for the assault in a state correctional facility even if the assault conviction was for a misdemeanor or gross misdemeanor; and

(iv) the sentence imposed and executed for the assault must be followed, upon release from confinement, by a ten-year period of conditional release.

(b) A defendant convicted and sentenced under paragraph (a) is not eligible for probation, parole, discharge, work release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. Notwithstanding section 609.135, the court may not stay the imposition or execution of this sentence.

Sec. 8. Minnesota Statutes 2006, section 626.5572, subdivision 21, is amended to read:

Subd. 21. **Vulnerable adult.** "Vulnerable adult" means any person 18 years of age or older who:

(1) is a resident or inpatient of a facility;

(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is served in the Minnesota sex offender program, is on a court hold order for commitment, or is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under section 144A.46; or from a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, 256B.0651, and 256B.0653 to 256B.0656; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment."

Amend the title as follows:

Correct the title numbers accordingly

The motion prevailed and the amendment was adopted.

Rukavina, Smith and Zellers moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 41, after line 6, insert:

"Sec. 23. Minnesota Statutes 2006, section 609.75, subdivision 8, is amended to read:

Subd. 8. **Video game of chance.** A video game of chance is a game or device that does not meet the requirements of subdivision 8a and which simulates one or more games commonly referred to as poker, blackjack, craps, hi-lo, roulette, or other common gambling forms, though not offering any type of pecuniary award or gain to players. The term also includes any video game having one or more of the following characteristics:

(1) it is primarily a game of chance, and has no substantial elements of skill involved;

(2) it awards game credits or replays and contains a meter or device that records unplayed credits or replays. A video game that simulates horse racing that does not involve a prize payout is not a video game of chance.

Sec. 24. Minnesota Statutes 2006, section 609.75, is amended by adding a subdivision to read:

Subd. 8a. **Amusement games.** A game which is not designed and manufactured primarily for use in connection with gambling is not a "video game of chance" if it:

(1) does not reward the player with valuable consideration other than extended play or replays or merchandise of nominal value contained within the device;

(2) does not contain a meter or other device that records unplayed credits or replays; and

(3) is not used and is not designed, nor been altered or converted to use in the playing phases of any gambling activity.

Sec. 25. Minnesota Statutes 2006, section 609.75, is amended by adding a subdivision to read:

Subd. 8b. **Inspection; citation.** Any person who possesses or intends to possess any type, category, or model of video game for purposes of offering play of the game for a consideration may request the director of alcohol and gambling enforcement to examine the machine and to determine whether or not the machine meets the definition of an amusement game as set forth in subdivision 8a. The director of alcohol and gambling enforcement shall conduct the examination and make a determination as requested. A person making a request under this subdivision shall reimburse the division for the services performed. In addition to the powers set forth in section 299L.03, the director of alcohol and gambling enforcement has the power to issue citations, pursuant to a fine schedule established by the director, to any person who uses an amusement game to commit a violation of section 609.76. No fine shall exceed \$25,000. Fines collected pursuant to this subdivision are appropriated to the commissioner of public safety to be used for enforcement of this subdivision."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Erhardt was excused for the remainder of today's session.

Rukavina moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 119, after line 28, insert:

"Sec. 17. **[626.96] GIFTS OR PRIZES TO LAW ENFORCEMENT PROHIBITED.**

A law enforcement officer may not accept, and a law enforcement agency may not award, any gift or prize awarded to the officer for engaging in any activity for which the officer is compensated as an employee of a law enforcement agency. This restriction does not apply to nonmonetary awards."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Peterson, A.; Rukavina; Hosch; Eken; Otremba and Heidgerken moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 42, after line 14, insert:

"Sec. 3. Minnesota Statutes 2006, section 171.09, subdivision 1, is amended to read:

Subdivision 1. **Authority; violations.** (a) The commissioner, when good cause appears, may impose restrictions suitable to the licensee's driving ability or other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant for a commercial driver's license either does not successfully complete the air brake component of the knowledge test, or does not successfully complete the skills test in a vehicle equipped with air brakes as such tests are prescribed in Code of Federal Regulations, title 49, part 384, the department shall indicate on the class C, class B, or class A commercial driver's license, if issued, that the individual is restricted from operating a commercial motor vehicle equipped with air brakes.

(c) Upon receiving satisfactory evidence of any violation of the restrictions on the license, the commissioner may suspend or revoke the license. A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

(d) A person who drives, operates, or is in physical control of a motor vehicle while in violation of the restrictions imposed in a restricted driver's license issued to that person under this section is guilty of a crime as follows:

(1) if the restriction relates to the possession or consumption of alcohol or controlled substances, the person is guilty of a gross misdemeanor; or

(2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

(e) However, if a person is found to be in violation of paragraph (d), clause (1), solely because a test of the person's blood, breath, or urine showed the person's alcohol concentration was 0.02 or less, in violation of an alcohol-abstinence restriction, the commissioner shall issue, without a waiting period being required under section 171.30, to the violator a restricted, limited license for work and chemical dependency treatment purposes under section 171.30, subdivision 1, paragraph (a), clause (1).

(f) Furthermore, if a person is found to be in violation of paragraph (d), clause (1), with an alcohol concentration greater than .02 and the person is participating in a treatment program structured in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3 (chemical dependency treatment rules), then the commissioner shall issue, with a waiting period not to exceed 30 days, a limited license for work and chemical dependency treatment purposes in accordance with section 171.30, subdivision 1, paragraph (a), clause (1).

(g) Following seven years with no repeat violation of chapter 169A or section 609.21 by a person subject to a no alcohol restriction under section 171.09, the commissioner shall remove that restriction from the person's driving record, and shall issue to the person a driver's license card not containing a no alcohol restriction.

Sec. 4. Minnesota Statutes 2006, section 171.12, subdivision 6, is amended to read:

Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph ~~(b)~~ (c), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of a 55 miles per hour speed limit, or more than five miles per hour in excess of a 60 miles per hour speed limit.

(b) Except as provided in paragraph (c), the department shall not keep on the record of a driver any conviction for a violation described in section 171.09, subdivision 1, paragraph (e).

~~(b)~~ (c) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle."

Page 42, after line 20, insert:

"Sec. 4. Minnesota Statutes 2006, section 171.30, subdivision 4, is amended to read:

Subd. 4. **Penalty.** A person who violates a condition or limitation of a limited license issued under subdivision 1 or fails to have the license in immediate possession at all times when operating a motor vehicle is guilty of a misdemeanor. In addition, a person who violates a condition or limitation of a limited license may not operate a motor vehicle for the remainder of the period of suspension or revocation, or 30 days, whichever is longer; provided that, if the person commits a violation described in section 171.09, subdivision 1, paragraph (e), the commissioner shall issue, without a waiting period being required under this subdivision or section 171.30, to the violator a restricted, limited license for work purposes under section 171.30, subdivision 1, paragraph (a), clause (1)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Peterson, A., et al amendment and the roll was called. There were 42 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Anzelc	Emmer	Holberg	Lesch	Murphy, E.	Seifert
Atkins	Faust	Hosch	Lieder	Murphy, M.	Sertich
Beard	Finstad	Jaros	Magnus	Nelson	Severson
Buesgens	Gunther	Juhnke	Mariani	Otremba	Solberg
Dill	Hackbarth	Kalin	McFarlane	Peterson, A.	Thissen
Doty	Heidgerken	Koenen	Moe	Rukavina	Westrom
Eken	Hilty	Laine	Mullery	Sailer	Zellers

Those who voted in the negative were:

Abeler	Dean	Hausman	Loeffler	Peppin	Thao
Anderson, B.	DeLaForest	Haws	Madore	Peterson, N.	Tillberry
Anderson, S.	Demmer	Hilstrom	Mahoney	Peterson, S.	Tingelstad
Benson	Dettmer	Hoppe	Marquart	Poppe	Tschumper
Berns	Dittrich	Hornstein	Masin	Ruth	Urdahl
Bigham	Dominguez	Howes	McNamara	Ruud	Wagenius
Bly	Eastlund	Johnson	Morgan	Scalze	Ward
Brod	Erickson	Kahn	Morrow	Shimanski	Wardlow
Brown	Fritz	Knuth	Nornes	Simon	Welti
Brynaert	Gardner	Kohls	Norton	Simpson	Winkler
Bunn	Garofalo	Kranz	Olin	Slawik	Wollschlager
Carlson	Gottwalt	Lanning	Olson	Slocum	Spk. Kelliher
Clark	Greiling	Lenczewski	Ozment	Smith	
Cornish	Hamilton	Liebling	Paulsen	Sviggum	
Davnie	Hansen	Lillie	Pelowski	Swails	

The motion did not prevail and the amendment was not adopted.

Garofalo, Simon, Bigham, Morgan, Kohls, Hoppe and Smith moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 41, after line 11, insert:

"Section 1. Minnesota Statutes 2006, section 169.13, is amended by adding a subdivision to read:

**Subd. 2a. Careless driving resulting in death.** (a) A person who drives, operates, or halts a vehicle, anywhere in this state, carelessly or heedlessly in disregard of the rights of others or in a manner that endangers or is likely to endanger any property or any person, including any driver or passenger of a vehicle or other person, that results in the death of a person, is guilty of a gross misdemeanor.

(b) Nothing in this subdivision or section 609.035 limits the power of the state to punish a person for conduct that constitutes a crime under any other law of this state.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date."

Renumber the sections in sequence

The motion prevailed and the amendment was adopted.

Smith moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 71, after line 22, insert:

"Sec. 19. Minnesota Statutes 2006, section 548.091, subdivision 1a, is amended to read:

Subd. 1a. **Child support judgment by operation of law.** (a) Any payment or installment of support required by a judgment or decree of dissolution or legal separation, determination of parentage, an order under chapter 518C, an order under section 256.87, or an order under section 260B.331 or 260C.331, that is not paid or withheld from the obligor's income as required under section 518A.53, or which is ordered as child support by judgment, decree, or order by a court in any other state, is a judgment by operation of law on and after the date it is due, is entitled to full faith and credit in this state and any other state, and shall be entered and docketed by the court administrator on the filing of affidavits as provided in subdivision 2a. Except as otherwise provided by paragraph (b), interest accrues from the date the unpaid amount due is greater than the current support due at the ~~annual rate provided in section 549.09, subdivision 1, plus two percent, not to exceed an annual rate of 18 percent~~ rate of six percent annually. A payment or installment of support that becomes a judgment by operation of law between the date on which a party served notice of a motion for modification under section 518A.39, subdivision 2, and the date of the court's order on modification may be modified under that subdivision.

(b) Notwithstanding the provisions of section 549.09, upon motion to the court and upon proof by the obligor of 12 consecutive months of complete and timely payments of both current support and court-ordered paybacks of a child support debt or arrearage, the court may order interest on the remaining debt or arrearage to stop accruing. Timely payments are those made in the month in which they are due. If, after that time, the obligor fails to make complete and timely payments of both current support and court-ordered paybacks of child support debt or arrearage, the public authority or the obligee may move the court for the reinstatement of interest as of the month in which the obligor ceased making complete and timely payments.

The court shall provide copies of all orders issued under this section to the public authority. The state court administrator shall prepare and make available to the court and the parties forms to be submitted by the parties in support of a motion under this paragraph.

(c) Notwithstanding the provisions of section 549.09, upon motion to the court, the court may order interest on a child support debt or arrearage to stop accruing where the court finds that the obligor is:

(1) unable to pay support because of a significant physical or mental disability;

(2) a recipient of Supplemental Security Income (SSI), Title II Older Americans Survivor's Disability Insurance (OASDI), other disability benefits, or public assistance based upon need; or

(3) institutionalized or incarcerated for at least 30 days for an offense other than nonsupport of the child or children involved, and is otherwise financially unable to pay support.

(d) If the conditions in paragraph (c) no longer exist, upon motion to the court, the court may order interest accrual to resume retroactively from the date of service of the motion to resume the accrual of interest."

Page 72, line 35, after the period, insert "Notwithstanding this section, the annual interest rate applicable to child support judgments is established in section 548.091, subdivision 1a."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Simpson, Mahoney, Brod, Gottwalt, Holberg, Garofalo, Peppin, Dettmer, Lesch, Thao, Beard, Gunther, DeLaForest, Emmer, Atkins, Seifert, Zellers, Johnson, Dean, Kohls, Berns and Hoppe moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 5, line 10, delete "154,041,000" and insert "154,029,000" and delete "154,726,000" and insert "154,693,000"

Page 5, line 13, delete "91,126,000" and insert "91,114,000" and delete "94,032,000" and insert "93,999,000"

Page 8, line 25, delete "42,066,000" and insert "42,054,000" and delete "43,388,000" and insert "43,355,000"

Page 10, line 34, delete "\$1,000,000 each year is" and insert "\$988,000 the first year and \$967,000 the second year are"

Page 11, line 6, delete "\$250,000" and insert "\$238,000 the first year and \$217,000 the second year"

Page 11, line 7, delete "each year"

Page 19, line 20, delete "462,517,000" and insert "462,529,000" and delete "483,230,000" and insert "483,263,000"

Page 19, line 23, delete "461,627,000" and insert "461,639,000" and delete "482,340,000" and insert "482,373,000"

Page 19, line 28, delete "323,511,000" and insert "323,523,000" and delete "338,577,000" and insert "338,610,000"

Page 19, line 30, delete "322,931,000" and insert "322,943,000" and delete "337,997,000" and insert "338,030,000"

Page 35, delete section 11

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Erickson moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 41, after line 11, insert:

"Section 1. Minnesota Statutes 2006, section 169.471, subdivision 2, is amended to read:

Subd. 2. **Use of headphones in vehicle.** (a) No person, while operating a motor vehicle, shall wear headphones or earphones that are used in both ears simultaneously for purposes of receiving or listening to broadcasts or reproductions from radios, tape decks, or other sound-producing or transmitting devices.

(b) Paragraph (a) does not prohibit:

(1) the use of a hearing aid device by a person who needs the device; ~~or~~

(2) the use of a communication headset by a firefighter while operating a fire department emergency vehicle in response to an emergency; or

(3) the use of a communication headset by an emergency medical services person while operating an ambulance subject to section 144E.101.

**EFFECTIVE DATE.** This section is effective the day following final enactment."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Urdahl, Brod, Abeler, Doty, Heidgerken, Marquart and Welti moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 74, after line 32, insert:

"Sec. 23. **[604.19] PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION.**

Subdivision 1. **Definitions.** (a) For purposes of this section the following terms have the meanings given.

(b) "Long-term consumption" means the cumulative effect of the consumption of food or nonalcoholic beverages, and not the effect of a single instance of consumption.

(c) "Party" means an individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

Subd. 2. **Immunity from civil liability.** A producer, grower, manufacturer, packer, distributor, carrier, holder, marketer, or seller of a food or nonalcoholic beverage intended for human consumption, or an association of one or more of such entities, must not be subject to civil liability based on any individual's or group of individuals' purchase or consumption of food or nonalcoholic beverages in cases where liability arises from weight gain, obesity, or a health condition associated with weight gain or obesity and resulting from the individual's or group of individuals' long-term purchase or consumption of a food or nonalcoholic beverage.

Subd. 3. **Actions permitted.** Subdivision 2 does not apply to a claim of weight gain or obesity that is based on:

(1) a material violation of an adulteration or misbranding requirement prescribed by state or federal statute, rule, or regulation and the claimed injury was proximately caused by the violation; or

(2) any other material violation of federal or state law applicable to the manufacturing, marketing, distribution, advertising, labeling, or sale of food, if the violation is knowing and willful or negligent, and the claimed injury was proximately caused by the violation.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to any action brought by any party on or after the effective date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

#### POINT OF ORDER

Mullery raised a point of order pursuant to rule 3.21 that the Urdahl et al amendment was not in order. Speaker pro tempore Thissen ruled the point of order not well taken and the Urdahl et al amendment in order.

The question recurred on the Urdahl et al amendment and the roll was called. There were 72 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gunther	Kohls	Olson	Seifert
Anderson, B.	Dettmer	Hackbarth	Lanning	Ozment	Severson
Anderson, S.	Dittrich	Hamilton	Madore	Paulsen	Shimanski
Atkins	Doty	Haws	Magnus	Pelowski	Simpson
Beard	Eastlund	Heidgerken	Marquart	Peppin	Sviggum
Benson	Eken	Holberg	McFarlane	Peterson, A.	Tingelstad
Berns	Emmer	Hoppe	McNamara	Peterson, N.	Urdahl
Brod	Erickson	Hortman	Moe	Poppe	Ward
Buesgens	Faust	Hosch	Morgan	Rukavina	Wardlow
Cornish	Finstad	Howes	Morrow	Ruth	Welti
Dean	Garofalo	Kalin	Nornes	Ruud	Westrom
DeLaForest	Gottwalt	Koenen	Olin	Sailer	Zellers

Those who voted in the negative were:

Anzelc	Fritz	Juhnke	Mahoney	Scalze	Tschumper
Bigham	Gardner	Kahn	Mariani	Sertich	Wagenius
Bly	Greiling	Knuth	Masin	Simon	Walker
Brown	Hansen	Kranz	Mullery	Slawik	Winkler
Brynaert	Hausman	Laine	Murphy, E.	Slocum	Wollschlager
Bunn	Hilstrom	Lenczewski	Murphy, M.	Smith	Spk. Kelliher
Carlson	Hilty	Lesch	Nelson	Solberg	
Clark	Hornstein	Liebling	Norton	Swails	
Davnie	Huntley	Lieder	Otremba	Thao	
Dill	Jaros	Lillie	Paymar	Thissen	
Dominguez	Johnson	Loeffler	Peterson, S.	Tillberry	

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Kohls and DeLaForest moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 118, delete subdivision 4

Renumber the subdivisions in sequence and correct internal references

A roll call was requested and properly seconded.

The question was taken on the Kohls and DeLaForest amendment and the roll was called. There were 54 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gottwalt	Koenen	Olson	Simpson
Anderson, B.	Dettmer	Gunther	Kohls	Ozment	Smith
Anderson, S.	Doty	Hackbarth	Kranz	Paulsen	Sviggum
Berns	Eastlund	Hamilton	Lanning	Peppin	Tingelstad
Brod	Eken	Haws	Magnus	Rukavina	Urdahl
Buesgens	Emmer	Heidgerken	McFarlane	Ruth	Wardlow
Cornish	Erickson	Holberg	McNamara	Seifert	Welti
Dean	Finstad	Hoppe	Nornes	Severson	Westrom
DeLaForest	Garofalo	Howes	Olin	Shimanski	Zellers

Those who voted in the negative were:

Anzelc	Dominguez	Jaros	Madore	Otremba	Solberg
Atkins	Faust	Johnson	Mahoney	Paymar	Swails
Beard	Fritz	Juhnke	Mariani	Pelowski	Thao
Benson	Gardner	Kahn	Marquart	Peterson, A.	Thissen
Bigham	Greiling	Kalin	Masin	Peterson, N.	Tillberry
Bly	Hansen	Knuth	Moe	Peterson, S.	Tschumper
Brown	Hausman	Laine	Morgan	Ruud	Wagenius
Brynaert	Hilstrom	Lenczewski	Morrow	Sailer	Walker
Carlson	Hilty	Lesch	Mullery	Scalze	Ward
Clark	Hornstein	Liebling	Murphy, E.	Sertich	Winkler
Davnie	Hortman	Lieder	Murphy, M.	Simon	Wollschlager
Dill	Hosch	Lillie	Nelson	Slawik	Spk. Kelliher
Dittrich	Huntley	Loeffler	Norton	Slocum	

The motion did not prevail and the amendment was not adopted.

DeLaForest moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 118, line 31, after "a" insert "petty"

A roll call was requested and properly seconded.

The question was taken on the DeLaForest amendment and the roll was called. There were 60 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Garofalo	Koenen	Paulsen	Severson
Anderson, B.	Demmer	Gottwalt	Kohls	Pelowski	Shimanski
Anderson, S.	Dettmer	Gunther	Lanning	Peppin	Simpson
Beard	Dill	Hackbarth	Magnus	Peterson, A.	Smith
Berns	Eastlund	Hamilton	McFarlane	Peterson, N.	Sviggum
Bigham	Eken	Heidgerken	McNamara	Poppe	Tingelstad
Brod	Emmer	Holberg	Nornes	Rukavina	Urdahl
Buesgens	Erickson	Hoppe	Olin	Ruth	Wardlow
Cornish	Faust	Howes	Olson	Scalze	Westrom
Dean	Finstad	Juhnke	Ozment	Seifert	Zellers

Those who voted in the negative were:

Anzelc	Fritz	Johnson	Mahoney	Paymar	Tschumper
Atkins	Gardner	Kahn	Mariani	Peterson, S.	Wagenius
Benson	Greiling	Kalin	Marquart	Ruud	Walker
Bly	Hansen	Knuth	Masin	Sailer	Ward
Brown	Hausman	Kranz	Moe	Sertich	Walti
Brynaert	Haws	Laine	Morgan	Simon	Winkler
Bunn	Hilstrom	Lenczewski	Morrow	Slawik	Wollschlager
Carlson	Hilty	Lesch	Mullery	Slocum	Spk. Kelliher
Clark	Hornstein	Liebling	Murphy, E.	Solberg	
Davnie	Hortman	Lieder	Murphy, M.	Swails	
Dittrich	Hosch	Lillie	Nelson	Thao	
Dominguez	Huntley	Loeffler	Norton	Thissen	
Doty	Jaros	Madore	Otremba	Tillberry	

The motion did not prevail and the amendment was not adopted.

Buesgens moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 12, line 5, delete "55,681,000" and insert "51,931,000" and delete "50,385,000" and insert "44,681,000"

Page 12, line 21, delete "\$11,853,000" and insert "\$6,149,000"

Page 12, line 31, delete ": or in subdivision 8"

Page 12, delete lines 32 to 34

Page 14, delete lines 1 to 8

Pages 15 and 16, delete subdivision 8

Pages 121 and 122, delete section 2

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 27 yeas and 106 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Buesgens	Erickson	Hackbarth	Peppin	Sviggum
Anderson, S.	DeLaForest	Finstad	Holberg	Peterson, N.	Zellers
Beard	Dettmer	Garofalo	Kohls	Seifert	
Berns	Eastlund	Gottwalt	Olson	Shimanski	
Brod	Emmer	Gunther	Paulsen	Simpson	

Those who voted in the negative were:

Abeler	Doty	Huntley	Magnus	Ozment	Swails
Anzelc	Eken	Jaros	Mahoney	Paymar	Thao
Atkins	Faust	Johnson	Mariani	Pelowski	Thissen
Benson	Fritz	Juhnke	Marquart	Peterson, A.	Tillberry
Bigham	Gardner	Kahn	Masin	Peterson, S.	Tingelstad
Bly	Greiling	Kalin	McFarlane	Poppe	Tschumper
Brown	Hamilton	Knuth	McNamara	Rukavina	Urdahl
Brynaert	Hansen	Koenen	Moe	Ruth	Wagenius
Bunn	Hausman	Kranz	Morgan	Ruud	Walker
Carlson	Haws	Laine	Morrow	Sailer	Ward
Clark	Heidgerken	Lanning	Mullery	Scalze	Wardlow
Cornish	Hilstrom	Lenczewski	Murphy, E.	Sertich	Welti
Davnie	Hilty	Lesch	Murphy, M.	Severson	Westrom
Dean	Hoppe	Liebling	Nelson	Simon	Winkler
Demmer	Hornstein	Lieder	Nornes	Slawik	Wollschlager
Dill	Hortman	Lillie	Norton	Slocum	Spk. Kelliher
Dittrich	Hosch	Loeffler	Olin	Smith	
Dominguez	Howes	Madore	Otremba	Solberg	

The motion did not prevail and the amendment was not adopted.

Atkins moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 63, line 15, after the period, insert "This section does not apply to an insurance policy issued by a township mutual fire insurance company or a farmers mutual fire insurance company under the authority in chapter 67A."

Page 74, line 16, before the semicolon, insert ", or a policy issued by a township mutual fire insurance company or a farmers mutual fire insurance company under the authority in chapter 67A"

The motion prevailed and the amendment was adopted.

Emmer moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 63, delete section 5

Page 64, delete section 8

Pages 70 and 71, delete section 18

Page 74, delete section 22

Pages 86 and 87, delete section 40

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 59 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Gardner	Kohls	Peppin	Swails
Anderson, S.	Demmer	Garofalo	Lanning	Peterson, N.	Thissen
Beard	Dettmer	Gottwalt	Lenczewski	Ruth	Tingelstad
Benson	Dill	Gunther	Magnus	Ruud	Urdahl
Berns	Dittrich	Hackbarth	McFarlane	Seifert	Ward
Brod	Doty	Hamilton	McNamara	Severson	Wardlow
Buesgens	Eastlund	Heidgerken	Nornes	Shimanski	Welti
Bunn	Emmer	Holberg	Olson	Simpson	Westrom
Cornish	Erickson	Hoppe	Ozment	Slawik	Zellers
Dean	Finstad	Hosch	Paulsen	Sviggum	

Those who voted in the negative were:

Abeler	Fritz	Juhnke	Mahoney	Paymar	Thao
Anzelc	Greiling	Kahn	Mariani	Pelowski	Tillberry
Atkins	Hansen	Kalin	Marquart	Peterson, A.	Tschumper
Bigham	Hausman	Knuth	Masin	Peterson, S.	Wagenius
Bly	Haws	Koenen	Moe	Poppe	Walker
Brown	Hilstrom	Kranz	Morgan	Rukavina	Winkler
Brynaert	Hilty	Laine	Morrow	Sailer	Wollschlager
Carlson	Hornstein	Lesch	Mullery	Scalze	Spk. Kelliher
Clark	Hortman	Liebling	Murphy, E.	Sertich	
Davnie	Howes	Lieder	Nelson	Simon	
Dominguez	Huntley	Lillie	Norton	Slocum	
Eken	Jaros	Loeffler	Olin	Smith	
Faust	Johnson	Madore	Otremba	Solberg	

The motion did not prevail and the amendment was not adopted.

Emmer offered an amendment to H. F. No. 829, the third engrossment, as amended.

## POINT OF ORDER

Solberg raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Emmer amendment was not in order. The Speaker ruled the point of order well taken and the Emmer amendment out of order.

Emmer appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 91 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Abeler	Eken	Johnson	Mahoney	Paymar	Thao
Anzelc	Faust	Juhnke	Mariani	Pelowski	Thissen
Atkins	Fritz	Kahn	Marquart	Peterson, A.	Tillberry
Benson	Gardner	Kalin	Masin	Peterson, N.	Tschumper
Bigham	Greiling	Knuth	McFarlane	Peterson, S.	Wagenius
Bly	Hansen	Koenen	Moe	Poppe	Walker
Brown	Hausman	Kranz	Morgan	Rukavina	Ward
Brynaert	Haws	Laine	Morrow	Ruud	Welti
Bunn	Hilstrom	Lanning	Mullery	Sailer	Winkler
Carlson	Hilty	Lenczewski	Murphy, E.	Scalze	Wollschlager
Clark	Hoppe	Lesch	Murphy, M.	Sertich	Spk. Kelliher
Davnie	Hornstein	Liebling	Nelson	Simon	
Dill	Hortman	Lieder	Norton	Slawik	
Dittrich	Hosch	Lillie	Olin	Slocum	
Dominguez	Howes	Loeffler	Otremba	Solberg	
Doty	Jaros	Madore	Ozment	Swails	

Those who voted in the negative were:

Anderson, B.	Dean	Finstad	Holberg	Peppin	Urdahl
Anderson, S.	DeLaForest	Garofalo	Kohls	Ruth	Wardlow
Beard	Demmer	Gottwalt	Magnus	Seifert	Westrom
Berns	Dettmer	Gunther	McNamara	Severson	Zellers
Brod	Eastlund	Hackbarth	Nornes	Shimanski	
Buesgens	Emmer	Hamilton	Olson	Simpson	
Cornish	Erickson	Heidgerken	Paulsen	Tingelstad	

So it was the judgment of the House that the decision of the Speaker should stand.

Hortman and Eastlund moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 42, after line 14, insert:

"Sec. 3. Minnesota Statutes 2006, section 171.09, subdivision 1, is amended to read:

Subdivision 1. **Authority; violations.** (a) The commissioner, when good cause appears, may impose restrictions suitable to the licensee's driving ability or other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant for a commercial driver's license either does not successfully complete the air brake component of the knowledge test, or does not successfully complete the skills test in a vehicle equipped with air brakes as such tests are prescribed in Code of Federal Regulations, title 49, part 384, the department shall indicate on the class C, class B, or class A commercial driver's license, if issued, that the individual is restricted from operating a commercial motor vehicle equipped with air brakes.

(c) Upon receiving satisfactory evidence of any violation of the restrictions on the license, the commissioner may suspend or revoke the license. A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

(d) A person who drives, operates, or is in physical control of a motor vehicle while in violation of the restrictions imposed in a restricted driver's license issued to that person under this section is guilty of a crime as follows:

(1) if the restriction relates to the possession or consumption of alcohol or controlled substances, the person is guilty of a gross misdemeanor; or

(2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

(e) Following ten years with no repeat violation of chapter 169A or section 609.21 by a person subject to a no alcohol restriction under section 171.09, the commissioner shall issue to the person a driver's license card not containing a no alcohol label."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Cornish moved to amend the Hortman and Eastlund amendment to H. F. No. 829, the third engrossment, as amended, as follows:

Page 1, line 26, after the period, insert "The omission of an alcohol label on the driver's license card does not prohibit the charging of a person with an offense related to this section."

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Hortman and Eastlund amendment, as amended, to H. F. No. 829, as amended. The motion prevailed and the amendment, as amended, was adopted.

Peppin moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 26, after line 34, insert:

"Sec. 3. Minnesota Statutes 2006, section 609.233, subdivision 1, is amended to read:

Subdivision 1. **Crime.** A caregiver or operator who intentionally neglects a vulnerable adult or knowingly permits conditions to exist that result in the abuse or neglect of a vulnerable adult is guilty of ~~a gross misdemeanor or criminal neglect and may be sentenced as provided in subdivision 3.~~ For purposes of this section, "abuse" has the meaning given in section 626.5572, subdivision 2, and "neglect" means a failure to provide a vulnerable adult with necessary food, clothing, shelter, health care, or supervision.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2006, section 609.233, is amended by adding a subdivision to read:

Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), a caregiver or operator who violates subdivision 1 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) A caregiver, who is an individual and has responsibility for the care of a vulnerable adult as a result of a family relationship, may be sentenced as follows:

(1) if a violation of subdivision 1 results in the death of a vulnerable adult, to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both; or

(2) if a violation of subdivision 1 results in substantial bodily harm or the risk of death, to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Peppin amendment and the roll was called. There were 63 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Gunther	Lanning	Peterson, N.	Sviggum
Anderson, B.	Demmer	Hackbarth	Magnus	Peterson, S.	Swails
Anderson, S.	Dettmer	Hamilton	McFarlane	Poppe	Tingelstad
Beard	Dittrich	Haws	McNamara	Ruth	Urdahl
Berns	Eastlund	Heidgerken	Morgan	Scalze	Ward
Brod	Emmer	Holberg	Nornes	Seifert	Wardlow
Brown	Erickson	Hoppe	Olson	Severson	Westrom
Buesgens	Faust	Hosch	Ozment	Shimanski	Zellers
Bunn	Finstad	Howes	Paulsen	Simon	
Cornish	Garofalo	Kohls	Pelowski	Simpson	
Dean	Gottwalt	Kranz	Peppin	Smith	

Those who voted in the negative were:

Anzelc	Eken	Juhnke	Madore	Olin	Thissen
Atkins	Fritz	Kahn	Mahoney	Otremba	Tillberry
Benson	Gardner	Kalin	Mariani	Paymar	Tschumper
Bigham	Greiling	Knuth	Marquart	Peterson, A.	Wagenius
Bly	Hansen	Koenen	Masin	Rukavina	Walker
Brynaert	Hausman	Laine	Moe	Ruud	Welti
Carlson	Hilstrom	Lenczewski	Morrow	Sailer	Winkler
Clark	Hornstein	Lesch	Mullery	Sertich	Wollschlager
Davnie	Hortman	Liebling	Murphy, E.	Slawik	Spk. Kelliher
Dill	Huntley	Lieder	Murphy, M.	Slocum	
Dominguez	Jaros	Lillie	Nelson	Solberg	
Doty	Johnson	Loeffler	Norton	Thao	

The motion did not prevail and the amendment was not adopted.

Dean, Dettmer, Buesgens, Peppin and Hoppe offered an amendment to H. F. No. 829, the third engrossment, as amended.

#### POINT OF ORDER

Paymar raised a point of order pursuant to rule 3.21 that the Dean et al amendment was not in order. The Speaker ruled the point of order well taken and the Dean et al amendment out of order.

Simon moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 58, after line 5, insert:

"Subd. 6. **Limitation on civil actions.** (a) Regardless if a complainant refuses or submits to a polygraph examination under this section, an action for damages based on personal injury caused by criminal sexual conduct as defined in subdivision 7 against a minor must be commenced within the later of:

(1) six years of the age of majority of the victim; or

(2) six years of the time that the victim fully comprehends the causal connection between sexual abuse and the injury resulting from the abuse. The time of comprehension must be determined by a jury based on medical or psychological testimony.

(b) Notwithstanding any other provision of law, a minor victim whose claim would be time-barred has until August 1, 2010, to commence an action for damages based on personal injury caused by criminal sexual conduct."

Page 58, line 6, delete "6" and insert "7"

Page 58, delete line 15 and insert:

"**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to actions pending or commenced on or after that date."

## POINT OF ORDER

Kohls raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Simon amendment was not in order. The Speaker ruled the point of order was not well taken and the Simon amendment in order.

Winkler was excused for the remainder of today's session.

## POINT OF ORDER

Emmer raised a point of order pursuant to rule 3.21 that the Simon amendment was not in order. The Speaker ruled the point of order not well taken and the Simon amendment in order.

Emmer appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 79 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Anzelc	Doty	Jaros	Loeffler	Otremba	Thissen
Atkins	Eken	Johnson	Madore	Paymar	Tillberry
Benson	Fritz	Juhnke	Mahoney	Peterson, A.	Tschumper
Bigham	Gardner	Kahn	Mariani	Peterson, S.	Wagenius
Bly	Greiling	Kalin	Marquart	Rukavina	Walker
Brown	Hansen	Knuth	Masin	Ruud	Ward
Brynaert	Hausman	Koenen	Moe	Sailer	Wolti
Bunn	Haws	Kranz	Morgan	Scalze	Wollschlager
Carlson	Hilstrom	Laine	Morrow	Sertich	Spk. Kelliher
Clark	Hilty	Lenczewski	Murphy, E.	Simon	
Davnie	Hornstein	Lesch	Murphy, M.	Slawik	
Dill	Hortman	Liebling	Nelson	Slocum	
Dittrich	Hosch	Lieder	Norton	Swails	
Dominguez	Huntley	Lillie	Olin	Thao	

Those who voted in the negative were:

Abeler	DeLaForest	Gunther	Magnus	Peterson, N.	Tingelstad
Anderson, B.	Demmer	Hackbarth	McFarlane	Poppe	Urdahl
Anderson, S.	Dettmer	Hamilton	McNamara	Ruth	Wardlow
Beard	Eastlund	Heidgerken	Nornes	Seifert	Westrom
Berns	Emmer	Holberg	Olson	Severson	Zellers
Brod	Erickson	Hoppe	Ozment	Shimanski	
Buesgens	Finstad	Howes	Paulsen	Simpson	
Cornish	Garofalo	Kohls	Pelowski	Smith	
Dean	Gottwalt	Lanning	Peppin	Sviggum	

So it was the judgment of the House that the decision of the Speaker should stand.

The Speaker called Thissen to the Chair.

Simon withdrew his amendment to H. F. No. 829, the third engrossment, as amended.

Brod and Smith moved to amend H. F. No. 829, the third engrossment, as amended, as follows:

Page 42, after line 14, insert:

"Sec. 3. **[171.028] DOCUMENTING RESIDENCY; RULES AND REGULATIONS.**

Subdivision 1. **Permanent state rules.** (a) Adopted exempt Minnesota Rules, part 7410.0400, subparts 2 and 3, as published in the State Register on July 8, 2002, shall become permanent on the day following final enactment of this section. These rules may subsequently be amended by the commissioner under chapter 14, to administer the provisions of this chapter.

(b) The documents specified in Minnesota Rules, part 7410.0400, subparts 2 and 3, or successor rules, are subject to the variance procedures and criteria in Minnesota Rules, part 7410.0600, or successor rules.

Subd. 2. **Incorporation of federal regulations.** As authorized by Public Law 107-296, rules relating to identity and residency documentation standards adopted in Code of Federal Regulations by the United States Department of Homeland Security may be incorporated by reference by the commissioner. These rules may be subsequently amended by the commissioner under chapter 14 to administer the provisions of this chapter.

Subd. 3. **Non-English documents; translation.** All documents submitted to the department in a language other than English must be accompanied by a translation of that document into the English language.

Subd. 4. **Proof of residency required at time of application.** Proof of residency in the United States is required at the time of application for an initial permit, driver's license, or identification card. The applicant must attest to a residence address in Minnesota and demonstrate proof of either lawful short-term admission to the United States, permanent United States resident status, indefinite authorized presence status, or United States citizenship.

Subd. 5. **Proof of residency at renewal.** (a) Proof of residency is required at the time of application for renewal of a driver's license, permit, or identification card.

(b) A person with permanent United States resident status, indefinite authorized presence status, or United States citizenship must attest to a residence address in Minnesota.

(c) A person with lawful short-term admission to the United States must attest to a residence address in Minnesota and provide proof of lawful short-term admission status to the United States.

Subd. 6. **Documents not sufficient to prove residency.** The presentation of a driver's license, permit, or identification card from another jurisdiction or another United States state is not acceptable as proof of permanent United States resident status, indefinite authorized presence status, lawful short-term admission to the United States, or United States citizenship.

Subd. 7. **Documents sufficient to prove residency.** To demonstrate permanent United States resident status, indefinite authorized presence status, lawful short-term admission, or United States citizenship, an applicant must attest to a Minnesota residence address on the application form and present a primary document specified in Minnesota Rules, part 7410.0400, subpart 2, or successor rules.

**Subd. 8. Evidence required when name changed.** If there has been a change in the individual's legal full name as it appears on the presented document specified in Minnesota Rules, part 7410.0400, subpart 2, or successor rules, the individual must also present evidence of a change of name as specified in Minnesota Rules, part 7410.0500, or successor rules.

**Subd. 9. Lawful short-term admission status.** (a) If the lawful admission period indicated on the federal primary document presented expires in 30 days or more from the date of application for the state driver's license, permit, or identification card, the department shall issue to the applicant a driver's license, permit, or identification card with a status check date that coincides with the lawful admission period on the federal primary document presented.

(b) The department shall not issue a driver's license, permit, or identification card if an individual has no lawful admission status to the United States or if the lawful short-term admission period expires in 30 days or less.

**Subd. 10. Status check date.** A status check date that coincides with the federal lawful admission period indicated on the federal primary document presented must be indicated on the driver's license, permit, or identification card issued.

**Subd. 11. Reissuance.** (a) The department shall reissue a driver's license, permit, or identification card with a new status check date if the applicant presents an employment authorization card (I-688B, I-766 series) or notice of action (I-797A series) issued by the United States Department of Homeland Security to the commissioner to indicate extension of the lawful admission period.

(b) If the applicant presents an accepted application from the United States Department of Homeland Security for an extension of or change in the federal lawful admission period, the department shall reissue the driver's license, permit, or identification card with a status check date extension of six months from the date of the federal receipt for the extension or change in order to provide a grace period while the application for the extension is processed.

(c) The department shall reissue a driver's license, permit, or identification card without a status check date if (1) the applicant presents a subsequent federal document indicating permanent United States resident status, indefinite authorized presence status, or United States citizenship, and (2) the applicant pays the duplicate fee as specified in section 171.06."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Brod and Smith amendment and the roll was called. There were 77 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeler	Bunn	Emmer	Holberg	Lenczewski	Olin
Anderson, B.	Cornish	Erickson	Hoppe	Magnus	Olson
Anderson, S.	Dean	Finstad	Hortman	Marquart	Otremba
Beard	DeLaForest	Garofalo	Hosch	Masin	Paulsen
Benson	Demmer	Gottwalt	Howes	McFarlane	Pelowski
Berns	Dettmer	Gunther	Knuth	McNamara	Peppin
Bly	Dittrich	Hackbarth	Koenen	Morgan	Peterson, N.
Brod	Doty	Hamilton	Kohls	Morrow	Peterson, S.
Brown	Eastlund	Haws	Kranz	Nornes	Poppe
Buesgens	Eken	Heidgerken	Lanning	Norton	Ruth

Ruud	Severson	Simpson	Swails	Ward	Westrom
Scalze	Shimanski	Smith	Tingelstad	Wardlow	Zellers
Seifert	Simon	Svigum	Urdahl	Welti	

Those who voted in the negative were:

Anzelc	Faust	Huntley	Lieder	Murphy, M.	Solberg
Atkins	Fritz	Jaros	Lillie	Nelson	Thao
Bigham	Gardner	Johnson	Loeffler	Paymar	Thissen
Brynaert	Greiling	Juhnke	Madore	Peterson, A.	Tillberry
Carlson	Hansen	Kahn	Mahoney	Rukavina	Tschumper
Clark	Hausman	Kalin	Mariani	Sailer	Wagenius
Davnie	Hilstrom	Laine	Moe	Sertich	Walker
Dill	Hilty	Lesch	Mullery	Slawik	Wollschlager
Dominguez	Hornstein	Liebling	Murphy, E.	Slocum	Spk. Kelliher

The motion prevailed and the amendment was adopted.

H. F. No. 829, A bill for an act relating to state government; appropriating money for public safety and corrections initiatives, courts, public defenders, tax court, Uniform Laws Commission and Board on Judicial Standards; providing certain general criminal and sentencing provisions; regulating DWI and driving provisions; modifying or establishing various provisions relating to public safety; providing for residency documentation; regulating corrections, the courts, and emergency communications; regulating scrap metal dealers; modifying certain law enforcement, insurance, human services, and public defense provisions; providing immunity from certain civil liability; establishing reduced ignition propensity standards for cigarettes; providing conditional repeals of certain laws; providing penalties; amending Minnesota Statutes 2006, sections 2.722, subdivision 1; 3.732, subdivision 1; 3.736, subdivision 1; 13.87, subdivision 1; 15A.083, subdivision 4; 16A.72; 16B.181, subdivision 2; 16C.23, subdivision 2; 168.012, subdivision 1; 169.13, by adding a subdivision; 169.471, subdivision 2; 169A.275, by adding a subdivision; 169A.51, subdivision 7; 171.09, subdivision 1; 171.12, by adding a subdivision; 171.55; 241.016, subdivision 1; 241.018; 241.27, subdivisions 1, 2, 3, 4; 241.278; 241.69, subdivisions 3, 4; 243.167, subdivision 1; 243.55, subdivision 1; 244.05, by adding a subdivision; 245.041; 253B.09, subdivision 3a; 260B.007, by adding a subdivision; 260B.125, subdivision 1; 260B.130, subdivision 1; 260B.141, subdivision 4; 260B.198, subdivision 6; 260C.193, subdivision 6; 270A.03, subdivision 5; 299A.641, subdivision 2; 299C.65, subdivisions 2, 5; 302A.781, by adding a subdivision; 325E.21; 352D.02, subdivision 1; 363A.06, subdivision 1; 383A.08, subdivisions 6, 7; 401.15, subdivision 1; 403.07, subdivision 4; 403.11, subdivision 1, by adding subdivisions; 403.31, subdivision 1; 484.54, subdivision 2; 484.83; 504B.361, subdivision 1; 518.165, subdivisions 1, 2; 518A.35, subdivision 3; 518B.01, subdivisions 6a, 22; 548.091, subdivision 1a; 549.09, subdivision 1; 563.01, by adding a subdivision; 590.05; 595.02, subdivision 1; 609.02, subdivision 16; 609.055; 609.135, subdivision 8, by adding a subdivision; 609.15, subdivision 1; 609.21, subdivisions 1, 4a, 5, by adding subdivisions; 609.221, subdivision 2; 609.2232; 609.341, subdivision 11; 609.344, subdivision 1; 609.345, subdivision 1; 609.3451, subdivision 3; 609.3455, subdivision 4, by adding a subdivision; 609.352; 609.505, subdivision 2; 609.581, by adding subdivisions; 609.582, subdivision 2; 609.595, subdivisions 1, 2; 609.748, subdivisions 1, 5; 609.75, subdivision 8, by adding subdivisions; 611.14; 611.20, subdivision 6; 611.215, subdivisions 1, 1a; 611.23; 611.24; 611.25, subdivision 1; 611.26, subdivisions 2, 7; 611.27, subdivisions 3, 13, 15; 611.35; 611A.036, subdivisions 2, 7; 611A.675, subdivisions 1, 2, 3, 4, by adding a subdivision; 626.5572, subdivision 21; 634.15, subdivisions 1, 2; 641.05; 641.15, by adding a subdivision; 641.265, subdivision 2; Laws 2001, First Special Session chapter 8, article 4, section 4; Laws 2003, First Special Session chapter 2, article 1, section 2; proposing coding for new law in Minnesota Statutes, chapters 72A; 171; 241; 299A; 299F; 357; 484; 504B; 540; 604; 609; 611A; repealing Minnesota Statutes 2006, sections 169.796, subdivision 3; 241.021, subdivision 5; 241.85, subdivision 2; 260B.173; 403.31, subdivision 6; 480.175, subdivision 3; 609.21, subdivisions 2, 2a, 2b, 3, 4; 609.805; 611.20, subdivision 5; Laws 2005, First Special Session chapter 6, article 3, section 91.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 96 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hornstein	Lieder	Norton	Slawik
Anderson, S.	Dittrich	Hortman	Lillie	Olin	Slocum
Anzelc	Dominguez	Hosch	Loeffler	Otremba	Smith
Atkins	Doty	Howes	Madore	Ozment	Solberg
Benson	Eastlund	Johnson	Mahoney	Paulsen	Swails
Bigham	Eken	Juhnke	Marquart	Paymar	Thao
Bly	Faust	Kahn	Masin	Pelowski	Thissen
Brod	Fritz	Kalin	McFarlane	Peterson, A.	Tillberry
Brown	Gardner	Knuth	Moe	Peterson, N.	Tingelstad
Brynaert	Garofalo	Koenen	Morgan	Peterson, S.	Tschumper
Bunn	Greiling	Kranz	Morrow	Poppe	Wagenius
Carlson	Hansen	Laine	Mullery	Ruud	Ward
Clark	Hausman	Lanning	Murphy, E.	Sailer	Welti
Cornish	Haws	Lenczewski	Murphy, M.	Scalze	Westrom
Davnie	Hilstrom	Lesch	Nelson	Sertich	Wollschlager
DeLaForest	Hilty	Liebling	Nornes	Simon	Spk. Kelliher

Those who voted in the negative were:

Anderson, B.	Dettmer	Hackbarth	Kohls	Rukavina	Sviggum
Beard	Emmer	Hamilton	Magnus	Ruth	Urdahl
Berns	Erickson	Heidgerken	Mariani	Seifert	Wardlow
Buesgens	Finstad	Holberg	McNamara	Severson	Zellers
Dean	Gottwalt	Hoppe	Olson	Shimanski	
Demmer	Gunther	Jaros	Peppin	Simpson	

The bill was passed, as amended, and its title agreed to.

### CALENDAR FOR THE DAY

Sertich moved that the Calendar for the Day be continued. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Brown moved that the name of Dominguez be added as an author on H. F. No. 833. The motion prevailed.

Greiling moved that the name of Dominguez be added as an author on H. F. No. 840. The motion prevailed.

Benson moved that the name of Dominguez be added as an author on H. F. No. 1412. The motion prevailed.

Moe moved that the name of Lillie be added as an author on H. F. No. 1508. The motion prevailed.

Urdahl moved that the name of Westrom be added as an author on H. F. No. 1860. The motion prevailed.

Urdahl moved that the name of Westrom be added as an author on H. F. No. 1861. The motion prevailed.

Urdahl moved that the name of Westrom be added as an author on H. F. No. 1862. The motion prevailed.

Loeffler moved that the name of Hansen be added as an author on H. F. No. 2135. The motion prevailed.

Juhnke moved that the name of Hosch be added as an author on H. F. No. 2227. The motion prevailed.

Abeler moved that the name of Gottwalt be added as an author on H. F. No. 2432. The motion prevailed.

Mullery moved that H. F. No. 1685, now on the Calendar for the Day, be re-referred to the Committee on Taxes. The motion prevailed.

#### ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 1:00 p.m., Wednesday, April 18, 2007. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Wednesday, April 18, 2007.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

